

**SUBJECT: GUIDELINES ON THE ISSUANCE OF
DSWD CERTIFICATION DECLARING A CHILD
LEGALLY AVAILABLE FOR ADOPTION**

I. Rationale

Republic Act (R.A.) No. 9523 also known as “An Act Requiring a Certification from the Department of Social Welfare and Development (DSWD) to Declare a Child Legally Available for Adoption as a Prerequisite for Adoption Proceedings, Amending for this Purpose Certain Provisions of R.A. No. 8552, otherwise known as the Domestic Adoption Act of 1998, R.A. No. 8043, otherwise known as the Inter-Country Adoption Act of 1995, Presidential Decree No. 603 otherwise known as the Child and Youth Welfare Code”, was enacted on March 12, 2009 as an expeditious alternative method of protection and assistance to every child who is abandoned, surrendered or neglected so that the child’s full emotional and social development are enhanced for their best interest and welfare.

As such, with the influx of children being administratively declared legally available for adoption by the Department in lieu of the judicial process, there is a need to put in place the necessary guidelines, policies and procedures for the petitioners’ guidance and information paving the way for the expeditious issuance of the needed Certification declaring that a child is legally available for domestic adoption under R.A. No. 8552 and inter-country adoption under R.A. No. 8043.

Moreover, applicants for voluntarily committed children shall secure a Certification to declare a child as legally available for adoption but will no longer be required to undergo posting and necessary publication.

II. Mandate and Legal Bases

Republic Act No. 9523 and its Implementing Rules and Regulations (IRR)

III. Objective

To institutionalize a mechanism to ensure a continuous and expeditious procedure in declaring a child legally available for adoption.

IV. Definition of Terms

For purposes of these guidelines, the following terms shall be operationally defined as follows:

1. A Child Legally Available for Adoption – shall refer to a child in whose favor a Certification was issued by the DSWD that he/she is legally available for adoption.

2. Abandoned Child – shall refer to a child who has no proper parental care or guardianship, or whose parent/s has/have deserted him/her for a period of at least three (3) continuous months.
3. Adoption Resource and Referral Office (ARRO) – shall refer to an office at the Department's Central Office, which will manage the adoption process, including the administrative declaration and issuance of the Certification of an abandoned, surrendered, dependent or neglected child as legally available for adoption.
4. Adoption Resource and Referral Unit (ARRU) – shall refer to a unit in the Department's Field Offices and manned by social workers trained on adoption and other alternative family care program, which will process the requirements for the issuance of the Certification of a child as legally available for adoption by the DSWD.
5. Birth Simulation – shall refer to the tampering of the civil registry making it appear in the birth records that a certain child was born to a person who is/are not his/her biological parent/s, causing such child to lose his/her true identity and status.
6. Certification – shall refer to a document signed by the DSWD Secretary or his/her duly authorized representative, administratively declaring that a child is legally available for adoption.
7. Child – shall refer to a person below eighteen (18) years of age or a person over eighteen (18) years of age but is unable to fully take care of him/herself or protect him/herself from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition and is the subject for issuance of a DSWD Certification as legally available for adoption.
8. Child Caring Agency (CCA) or institution – shall refer to a private non-profit institution or government agency, duly licensed or accredited by the DSWD that provides twenty-four (24) hour residential care services for abandoned, neglected or surrendered children.
9. Child-Placing Agency (CPA) – shall refer to a private non-profit institution or government agency, duly licensed or accredited by the DSWD that receives and processes applicants to become foster or adoptive parents and facilitate placement of children eligible for foster care or adoption.
10. Conspicuous Place – shall refer to a place frequented and seen by the public, such as but not limited to provincial/city/municipal halls and Barangay Halls in the locality where the child was found, whereby the Notice of the Petition shall be posted for information of any interested person/s.
11. Department – shall refer to the Department of Social Welfare and Development.

12. Dependent Child – shall refer to a child without a parent, guardian or custodian or one whose parents, legal guardian or custodian for good cause desires to be relieved of his/her care and custody and is dependent upon the public for support.
13. Designated Lawyer – shall refer to the Legal Officer under Memorandum of Agreement (MOA) assigned at Program Management Bureau (PMB) ARRO concerns under the technical supervision of Legal Service to review/examine the veracity of the Petition if sufficient in form and substance.
14. Field Office – shall refer to the Field Office of the Department.
15. Foundling – shall refer to a person whose fact/s of birth is/are unknown.
16. Involuntarily Committed Child – shall refer to a child whose parental authority of his/her biological parent/s and/or relatives has been judicially terminated due to substantial and continuous or repeated neglect, abuse or exploitation and that the child is ordered committed by the court to the care and custody of the DSWD or to a licensed child caring/placing agency or individual.
17. Legal Guardian – shall refer to a person appointed by the court to represent and protect the interests of a child in legal actions.
18. Licensed Social Worker – shall refer to a person who passed the government licensure examination for Social Workers as required by Republic Act 4373 and has an existing valid license as a Social Worker from the Philippine Regulation Commission (PRC).
19. Neglected Child – shall refer to a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. Neglect may occur in two ways, either physical or emotional neglect.
 - (a) There is physical neglect when the child is malnourished, ill clad, and without proper shelter. A child is unattended when left by him/herself without proper provision and/or without proper supervision.
 - (b) There is emotional neglect when the child is maltreated, raped/sexually assaulted, seduced, exploited/trafficked, overworked, or made to work under conditions not conducive to proper development and good health; or are made to beg in the streets or public places; or when children are in moral danger, or exposed to gambling, prostitution, and other vices.
20. Newspaper of General Circulation – shall refer to any ordinary newspaper, either broadsheet or tabloid, that is published, edited and circulated in the city/municipality and/or province where the requirement of general circulation applies.

21. Petition – shall refer to the duly notarized Application for the issuance of a Certification to declare a child legally available for adoption, containing facts and circumstances necessary to establish the abandonment, neglect or dependence of a child.
22. Photograph - shall refer to a photo in original form, not super-imposed or retouched or edited in any photo editing software.
23. Secretary – shall refer to the Secretary of the Department of Social Welfare and Development or his/her duly authorized representative.
24. Social Case Study Report (SCSR) – shall refer to a written report as a result of an assessment conducted by a licensed social worker as to the ethno-cultural, economic, medical, spiritual and psychosocial background, current functioning and facts of abandonment or neglect of the child. The report shall also state the efforts of the social worker to locate the child's biological parent/s, legal guardian/s, relative/s and the intervention/services provided to child's parent/s, legal guardian/s or relative/s.
25. Voluntarily Committed or Surrendered Child – shall refer to a child whose parent/s or legal guardian/s knowingly and willingly relinquished in writing his/her/their parental authority through a notarized Deed of Voluntary Commitment to the Department or any duly licensed or accredited child placing or child-caring agency or institution.

V. Scope and Limitations

These guidelines shall apply to all surrendered, abandoned, neglected and dependent children who can be issued a Certification that they are legally available for adoption, either in a domestic or in an inter-country adoption proceeding, except for the following adoption proceedings in court:

- (a) Adoption of an illegitimate child by any of his/her biological parent
- (b) Adoption of a child by his/her step-parent
- (c) Adoption of a child by a relative within the fourth (4th) degree of consanguinity or affinity, which includes parents, grandparents, siblings, uncle/aunt, first degree cousin.

VI. General Policies

1. It is the policy of the State that alternative family care, protection and assistance shall be afforded to every child who is abandoned, surrendered, neglected or dependent. In this regard, the State shall extend such assistance in the most expeditious manner in the interest of full emotional and social development of the abandoned, surrendered, neglected or dependent child.
2. The child's best interest and welfare shall be the paramount consideration in all questions relating to his/her care and custody. It is hereby recognized that administrative processes under the jurisdiction

of the DSWD for the declaration of a child legally available for adoption is the most expeditious proceedings for the best interest of the child.

3. Upon finding the Petition meritorious, the Secretary shall issue the Certification declaring a child legally available for adoption within seven (7) working days from receipt of the recommendation. The Secretary's Decision may be appealed to the Court of Appeals within five (5) days from receipt of the Decision by the petitioner/s. Otherwise, the same shall become final and executory.
4. A Certification to declare a child legally available for adoption shall be secured thru a Petition to be filed in the DSWD-Field Office where the child was found or is presently residing.
5. For a voluntarily committed child, the Application for Certification that the child is legally available for adoption shall be filed in the DSWD Field Office that has jurisdiction over the child within three (3) months from the filing with the DSWD of the Deed of Voluntary Commitment (DVC). The Secretary shall issue a Certification that the child is legally available for adoption within three (3) months from the filing with the DSWD of the DVC.
6. For an involuntarily committed child, the Secretary shall issue a Certification that the child is legally available for adoption within three (3) months from such involuntary commitment.
7. All DVCs must be duly signed by the biological parent/s and/or legal guardian of the child, and notarized.
8. Publication and posting of the Application is not a requirement for the issuance of a Certification for voluntarily committed children. The basis is the notarized DVC supported with Social Case Study Report, birth certificate, photograph upon admission to the agency and most recent photograph of the child.
9. If a child has already been registered as foundling, the Certificate of Foundling should be attached to the Petition as supporting document.
10. The parent/s or legal guardian who has interest in claiming back a voluntarily committed child may file a Petition for restoration of parental authority with the DSWD within three (3) months after signing the DVC.

In cases where a Petition for the issuance of a Certification that a child is legally available for adoption has been filed with the Department, the petitioner shall seek the approval of the Department on the restoration of parental authority.

In cases of involuntarily committed children, the Petition to restore parental authority shall be filed before the court, which granted the Petition for involuntary commitment.

11. A Petition for declaration of abandonment of a child that has been filed with a court on or before May 28, 2009 where judgment has not yet

been rendered may be withdrawn at the option of the petitioner and be filed before the Department for administrative process of certification, provided said Petition complies with the law.

12. Cases filed in court for the judicial declaration of abandonment and DVC signed by parent/s or legal guardian prior to May 28, 2009 shall be exempted from the issuance of the Certification.
13. The Certification that a child is legally available for adoption shall be issued only once and signed by the Secretary or his/her duly authorized representative. The Certification shall be the primary evidence that the child is legally available for domestic adoption under R.A. No. 8552 and for inter-country adoption under R.A. No. 8043.
14. Cases of Involuntarily Committed Children (IVC) with court order terminating the parental authority of their parent/s or guardian for the purpose of adoption issued after May 28, 2009 shall secure a certification from the DSWD. Original copy of the court order together with the certified true copy of other supporting documents presented in court for the proceedings should be submitted to the Department as basis for the issuance of Certification.
15. A Central Depository and national databank of children legally available for adoption shall be maintained and updated by the Department of Social Welfare and Development thru its Adoption Resource and Referral Office (ARRO) for record keeping, monitoring and other purposes.

All agencies concerned in the implementation of the law shall maintain, preserve and protect the documentation of the children legally available for adoption.

16. In case of a sibling group, only one (1) Petition shall be filed with only one (1) Petition/Application Number to be assigned by the DSWD Field Office. However, each child shall be issued his/her individual respective Certification.

VII. Implementing Procedures

The following procedures shall be undertaken for implementation of this guideline, from the turn-around period of case management to the process in securing a Certification to declare a child legally available for adoption.

A. Turn-around Period of Case Management

1. For Abandoned or Dependent Child

Upon the child's admission to the DSWD Center/Institution or Child Caring Agency or referral of same to Provincial/City/Municipal Social Welfare and Development Office, the social worker shall undertake the following to gather information and documents pertinent to the case.

Within the 1st month to 2nd month shall:

- (a) Secure colored photo of the child (at least two (2) pcs. 2x2 and whole body, 3R in size);
- (b) Secure a certified true copy of Birth Certificate from the Local Civil Registrar, if available;
- (c) Conduct home visit to last known/given address of parent/s;
- (d) Send-out letter through registered mail with return card to last known address of parent/s or legal guardian;
 - In case the parent/s, legal guardian/s or relative/s of the child accepted the letter but failed to appear on the specified date, the social worker should indicate such circumstance in the SCSR and proceed with the filing of the Petition and attach the file copy of the letter.
 - In case of a registered mail, which has not returned after one month, the social worker may proceed with the filing of the Petition and attach the registry receipt.
 - If the given address is insufficient, the social worker should still send a registered mail to such address. The registry receipt should be attached to the Petition.
- (e) Secure a Police Report or barangay certification from the locality where the child was found or a certified copy of Tracing Report from the Philippine National Red Cross (PNRC), National Headquarters. The report should contain the facts and circumstances of abandonment or neglect, e.g., date, time, place and approximate age of the child when found and should state that despite due diligence, the child's parents could not be found;
- (f) Facilitate publication in one (1) newspaper of general circulation. Publication should preferably contain the child's photo, name, sex, current age of the child and approximate age of the child when found, if available as well as date, place and time when the child was found, including the name, office and contact number of the petitioner. The whole copy of the newspaper containing the announcement should be attached to the Petition or Affidavit of Publication from the publisher that the case was published in their newspaper and the content of the publication; and
- (g) Facilitate local or national radio or TV announcements on three (3) different airing dates (as much as possible, in three (3) different stations within one month); Secure a certification written on the station's letterhead as prescribed, certified by the TV/Radio Program announcer/Traffic Manager/Traffic Clerk. The announcement should mention the child's name, sex,

current/approximate age as well as the date, place, and time when the child was found. In case of TV announcements, the child's photo should preferably be featured.

On the 3rd month the social worker shall:

- a. Prepare a comprehensive Social Case Study Report (SCSR) using the prescribed format hereto attached as Appendix K, which should include the following data, if available:
 - a.1. Factual details about abandonment or neglect by parent/s or other primary caregivers/legal guardians;
 - a.2. Assessment of the bio-psychosocial development of the child;
 - a.3. Quality of parenting/child rearing patterns of the child's biological parent/s;
 - a.4. Family composition and historical background of parents, work history and family relationship;
 - a.5. Psychosocial intervention and services rendered to the child's biological family;
 - a.6. Current functioning of the child, physical and emotional response and behavioral manifestations to abandonment or neglect;
 - a.7. Efforts of the social worker to locate and assess the child's biological family; and
 - a.8. Name and signature of the social worker who prepared the SCSR with his/her license number and validity date

In cases where there is/are information/s in the Social Case Study Report needing proof to substantiate the veracity of such information, submit additional requirement/s to support the report (e.g., Marriage or Death Certificate of the child's biological parent/s, medical/psychological/psychiatric report, valid identification with signature of the parent to verify the signature in the DVC and other related Affidavits or Certification)

- b. File a Petition for issuance of Certification supported with a comprehensive SCSR and complete documentary requirements, as enumerated under items a to g, page 7 of the guidelines. Only one Petition shall be filed for sibling group.
- c. Apply for a Certificate of Foundling at the Local Civil Registry where the child was found with the certified true copy of the Certification declaring the child as legally available for adoption and the child's profile as supporting documents.

In case of a legitimate child but has been abandoned by one of the parents and the other parent would want to give up the child for adoption, the petitioner, in behalf of the parent who executed the DVC shall file a Petition for Certification with the Department.

For an illegitimate child, only the mother's consent is necessary for processing the Certification.

The petitioner shall be responsible for paying the cost of notarization of the Petition and publication to locate the parents/relatives, except for independent placement where the person who has actual/physical custody of child shall shoulder the same.

2. For Surrendered Child

In all proceedings for adoption for voluntarily committed cases, series of counseling shall be provided by trained social workers to the biological parent/s or legal guardian to ensure that they are fully informed of the consequences of their decision to give up the child.

Within the 1st month to 3rd month upon admission/referral of the child in an agency/institution, the social worker shall:

- a. Facilitate the signing of Deed of Voluntary Commitment (DVC) in three (3) copies (all original) and its notarization, if parent/s/guardian, after going through counseling, decide to give-up the child for adoption;
- b. Secure a certified true copy of Birth Certificate of the child from the local civil registrar;
- c. Conduct home visit to relatives at his/her/their given address/es to assess the capacities in performing their roles to the child;
- d. Secure most recent colored photo (whole body, 3R in size) and photo of the child upon admission (whole body, 3R in size), if available; and
- e. Prepare a comprehensive Social Case Study Report (SCSR) using the prescribed format hereto attached as Appendix K, indicating the following:
 - Support services extended to biological parents of the child and assessment on the capacities of the parents in relation to their roles to the child;
 - Series of counseling sessions provided to prevent the parent/s in giving up the child for adoption;
 - Decision of the parent/legal guardian as a result of items 1 and 2 above.
- f. File an Application for issuance of a Certification

3. For Neglected Child

For cases of substantial and continuous or repeated neglect, the social worker shall facilitate temporary placement and appropriate intervention to the child and his/her family. A Petition for involuntary commitment of the child shall be filed in court.

Within three months after the court granted the involuntary commitment of the child, an Application for issuance of Certification shall be filed to DSWD Field Office, supported by the court's decision and certified copy of documents presented in court.

B. Process in Securing a Certification from the DSWD

1. Who shall file the Petition?

The Head or Executive Director of a licensed or accredited child-caring or child placing agency or institution managed by the national or local government, non governmental organization or provincial, city or municipal social welfare and development officer of local government units can file a Petition in behalf of an individual who has actual/physical custody of a minor to declare such child legally available for adoption

2. Where to File?

The Petition/Application together with the complete supporting documents shall be filed by the petitioner/applicant with the Field Office of the DSWD where the child was found, surrendered or abandoned.

In cases where the child was physically transferred outside the region where he/she was found, the Head of the DSWD Center/Institution, Child Caring/Placing Agency or P/C/MSWDO shall file the Petition/Application with the DSWD Field Office where the DSWD Center/Institution, Child Caring/Placing Agency or P/C/MSWDO is located and where the individual has transferred. Said DSWD Field Office shall forward the Notice of the Petition to the DSWD Field Office of the region where the child was found for posting.

3. When to File?

For abandoned and dependent children, the Petition shall be filed after but not less than three (3) continuous months from the time of abandonment or dependence of said child.

For voluntarily committed children, the Application shall be filed within three (3) months after the signing of Deed of Voluntary Commitment.

For involuntarily committed children, the Petition shall be filed within three (3) months after the judgment granting the involuntary commitment by the court.

4. How to File?

Filing of Petition for Involuntarily Committed Child

4.1.1 For Abandoned or Dependent Child

The following procedures shall be undertaken for abandoned or dependent child to be able to secure the Certification after three (3) continuous months of abandonment or dependence:

- a. Filing of a Petition to the DSWD Field Office using the prescribed format hereto attached as Appendix D, together with two sets of complete supporting documents (see Appendix C), one set original and one set photocopy.
- b. The Adoption Resource and Referral Unit (ARRU) shall review and examine if the Petition is sufficient in form and in substance, together with other documentary requirements, within three (3) working days upon receipt thereof. The duplicate set (photocopy) of documents shall be maintained at the DSWD Field Office.

The Petition shall have a control number, which shall be assigned by the ARRU, indicating the region and year when the Petition was filed before a number, which begins with 001 (e.g.: FO I-2009-001).

The Petition shall contain the following information using Appendix D:

- i. Petitioner's information (e.g., Name, age, citizenship, civil status, position, name of agency and address)
- ii. Information about the subject minor (e.g., name, age, name and address of child's present location/custodian and duration of his/her placement with the same)
- iii. Information about the social worker who prepared the child study report (e.g., name, license number with validity period of the license, position and agency)
- iv. Facts of neglect, abuse and/or abandonment as reflected in the social case study report
- v. Activities done to locate the child's family/relatives (e.g., Home visit, media publication, returned registered mail, police blotter or Barangay certificate or certificate of tracing report from Philippine National Red Cross)

- vi. Date when the photos were taken (upon abandonment/admission and recent photo)

The Petition should be sufficient in form and substance, otherwise it shall be returned to the petitioner within three (3) working days upon receipt of the Petition without prejudice to its re-filing. The petitioner should re-file the Petition immediately upon correction of inconsistencies/completion of required documents.

- c. The Petition shall be forwarded to the Regional Director, who shall order the posting through the P/C/MSWDO to post the Notice of the Petition, using the prescribed format hereto attached as Appendix F, in the locality where the child was first found. The CCA/CPA may hand-carry the order of posting to the concerned P/C/MSWDO.
- d. The Notice of Petition shall be posted for information of any interested person in conspicuous areas in the city/municipality where the child was found, such as but not limited to the city/municipal hall, health center, barangay hall, police station and post office, for five (5) consecutive days upon receipt of the order.

The Notice of Petition shall be legible with 2x2 photograph of the child upon admission/abandonment in a legal size paper. The content of the notice shall have translation in local dialect to ensure that the public in the locality understands the content of the notice. For sibling group, only one Notice of Petition shall be prepared.

- e. Certificate of Posting, using the prescribed form hereto attached as Appendix G, shall immediately be issued by the authority who effected the actual posting. Such certificate of posting shall be submitted to the local Social Welfare and Development Office which will transmit the same to the Regional Director, after the 5-day period of posting has been completed. Fastest means such as priority mail, fax or e-mail shall be maximized or the CCA may pick-up and hand-carry the certificate of posting to the Regional Director to ensure compliance with the prescribed period for the issuance of the certificate of posting (within the day after the period of posting).
- f. Within five (5) working days from the completion of posting, the Regional Director, upon finding merit in the Petition, shall render his/her recommendation on the Petition. Within two (2) working days from the time he/she signs the recommendation, the Regional Director forward the same with original supporting documents to the DSWD-Central Office.
- g. Within four (4) working days from receipt of the Regional Director's recommendation, the Adoption Resource and Referral Office (ARRO) shall enter the Petition in the databank and

review the contents of the Petition and the completeness of supporting documents, and endorse the same to the Department's designated lawyer/Legal Service.

- h. Within two (2) working days from receipt of the Petition, the Department's designated lawyer/Legal Service shall ensure that the Petition is sufficient in form and substance and that all requirements thereof have been complied with, and return the documents to ARRO. The ARRO shall then prepare the transmittal of the documents to the Office of the Secretary thru the Undersecretary for Operations and Capacity Building Group (OCBG) for the issuance of Certification.

If the Petition is insufficient in form or substance, it shall be returned to the petitioner by the ARRO immediately without prejudice to its re-filing. For a Petition that is thus re-filed, the Notice therefor must be posted again.

However, if the inconsistencies/lacking documents may be cured without materially affecting the Petition, the dossiers will not be returned to the petitioner. Instead, the petitioner shall be required to comply with the requirements without need of having to re-file a Petition. The reckoning date shall start from the completion of required documents.

- i. Within two (2) working days from the receipt of the ARRO's recommendation, the Secretary or his/her duly authorized representative shall issue two (2) original copies of Certification.

The Certification shall have the Secretary's seal and a control number, indicating the year of issuance. The control number shall begin with the current year and with 001 (e.g.: 2009-001). Prescribed Certification template is hereto attached as Appendix H. The Certification signed by the Secretary or his/her duly authorized representative shall be forwarded to the ARRO.

If the child is for local and inter-country adoption matching, the original copy of Certification shall be retained with ARRO. ARRO shall inform the concerned petitioner once the Certification is signed and sends a copy of the same thru fax or e-mail for their information.

If the child is independently placed to an individual who seeks to legalize the adoption, one original copy of Certification shall be forwarded to the petitioner for the child's placement, while the other original copy shall be maintained with the ARRO for records purposes.

- j. If necessary, a certified true copy of the Certification shall be forwarded to the petitioner to be attached in filing for the issuance of a Certificate of Foundling or Certificate of Live Birth (delayed registration), whichever is applicable with the Local Civil Registrar of the locality where the child was

found/abandoned. The cost for its filing shall be shouldered by the petitioner.

The Certificate to be issued by the Department shall be the sole basis for the issuance of a Certificate of Foundling or Certificate of Live Birth (delayed registration), whichever is applicable by the Local Civil Registrar. The child's profile, using format hereto attached as Appendix I, shall be attached to the Certification for the local civil registrar to determine whether to issue a Certificate of Foundling or Certificate of Live Birth (delayed registration) to the child.

- k. The decision of the Secretary in declaring a child legally available for adoption shall be appealable to the Court of Appeals within five (5) working days from receipt of the decision or Certification by the petitioner, otherwise same shall become final and executory.

4.1.2. For Neglected Child

The following procedures shall be undertaken within three (3) months after the judgment by the court granting the involuntary commitment:

- a. Filing of Petition to the DSWD Field Office, together with the original copy of the Court Order re: Termination of Parental Authority and certified true copy of other supporting documents presented in court may be done within the three (3) months, provided that no adoption matching shall take place within the said period.
- b. The ARRU shall review the Petition together with other supporting documents within three (3) working days, upon receipt thereof.
- c. The Regional Director shall render his/her recommendation on the Petition within two (2) working days and shall transmit the same to the ARRO within two (2) working days from the time the Regional Director signs the recommendation.
- d. Upon receipt, the ARRO staff shall enter in the databank and review the documents within three (3) working days before forwarding the same to the Secretary or his/her duly authorized representative for approval and signature in the Certification.
- e. ARRO shall carry out the same procedure as stated in letter i of page 13 under filing of Petition for abandoned or dependent child.

4.2 Filing of Application for Voluntarily Committed/Surrendered Child

The following procedures shall be undertaken within three (3) months after the signing of the DVC by the parent/s or legal guardian to be able to secure the Certification:

- a. Filing of Application to the DSWD Field Office, together with two sets of complete supporting documents, as enumerated in Appendix C (1 set original and 1 set photocopy). Filing may be done within the three (3) months after the signing of the DVC, provided that the child has not yet been matched to PAPs.
- b. The ARRU shall review and examine the Application together with other documentary requirements within three (3) working days, upon receipt thereof. The duplicate set (photocopy) of documents shall be maintained at the DSWD Field Office (FO).

If the documents submitted to support the Application for issuance of Certification such as the notarized DVC, Social Case Study Report, birth certificate, photograph upon admission to the agency and most recent photograph of the child is lacking in form and substance, same shall be returned immediately to the applicant without prejudice to its re-filing.

Publication and posting of Application for issuance of Certification is not a requirement for voluntarily committed/surrendered children.

- c. If the documents submitted is sufficient in form and substance the Regional Director shall render his/her recommendation on the Application and the completeness of supporting document within two (2) working days and shall transmit the same to the ARRO within two (2) working days from the time the Regional Director signs the recommendation.
- d. Upon receipt, the ARRO staff shall enter in the databank and review the sufficiency of information and completeness of documents within three (3) working days before forwarding the same to the Secretary or his/her duly authorized representative for approval and signature in the Certification.
- e. ARRO shall carry out the same procedure as stated in letter i of page 13 under filing of Petition for abandoned or dependent child.

5. Restoration of Parental Authority

The parent/s or legal guardian of a voluntarily committed child seeking to reclaim parental authority over the child may file a Petition with the Department within three months from the time the parents/legal guardian signed the DVC. The Petition shall be granted only if the Department is satisfied, after a thorough assessment, that the parent/s or legal guardian

is/are in a position to adequately provide for the needs of the child. After the three (3) months reglementary period has lapsed, the petition for restoration of parental authority shall be filed before the court.

For involuntarily committed child, the Petition for restoration of parental authority may be filed by the parent/s or legal guardian before the court, which granted the involuntary commitment, provided that the child has not yet been adopted.

6. Appeal

If the Certification has been issued, parent/s of the child may appeal in the Court of Appeals within five (5) working days from the receipt of the Certification, otherwise the decision shall become final and executory.

VII. Institutional Arrangements

A. DSWD Centers/Institutions, Child-Caring Agencies, Community based-Non-governmental Organizations (NGOs) or Provincial/City/Municipal Social Welfare and Development Offices shall:

1. Ensure proper case management in accordance to standard turn-around time, focusing on the following:
 - 1.1 Conduct series of counseling and support services to parent/s or legal guardian of the child to prevent relinquishing the child for adoption;
 - 1.2 Accomplish and submit all pertinent documentary requirements on time;
 - 1.3 Provision of psycho-social services to the child ages five (5) years old and above prior to the issuance of his/her Certification and placement;
2. Immediately inform/notify the P/C/MSWDO on cases of independent placement upon receipt of the Prospective Adoptive Parent/s' intention to legalize the adoption to be able to assist them in the issuance of DSWD Certification;
3. Facilitate capability-building activities to enhance the social workers' knowledge, attitude and skills (KAS) on Certification, adoption, foster care and other alternative family care services and related laws/issuances;
4. Maintain an updated databank of children being endorsed to DSWD-Field Office for issuance of Certification.

B. DSWD Field Office

The DSWD Field Office shall operate and manage its ARRU. The unit shall be under the direct supervision of the Chief of the Operations Division and shall be headed by a Social Welfare Officer (SWO) III and complemented by two

(2) SWO II trained on adoption and other alternative family care and one (1) Administrative Staff, which shall be drawn from the staff of the Field Office.

The ARRU staff shall perform the following:

1. Act on the Petition/Application for issuance of Certification within the number of days stipulated in this guidelines;
2. Ensure sufficiency and completeness of documents in form and substance and has consistency of information with all other documents prior to submission to the DSWD Central Office;
3. Follow-up immediate submission of lacking documents and noted discrepancies from petitioners;
4. Prepare/submit quarterly report every 5th day of the first month of the succeeding quarter and other reports as instructed by the Secretary on cases received for issuance of Certification to the ARRO;
5. Conduct orientation and technical assistance to concerned offices and agencies in relation to the implementation of RA 9523 and child placement services and conduct quarterly meetings, dialogues together with local government and non-government agencies, child caring and child placing agencies, family courts, hospitals to discuss adoption and other alternative family care concerns for efficient and effective service delivery;
6. Facilitate capability-building activities to enhance the social workers' knowledge, attitude and skills (KAS) on Certification, adoption, foster care and other alternative family care services and related laws/issuances at the regional level;
7. Conduct monthly monitoring of cases of children to ensure expeditious movement of cases in all DSWD Centers and Institutions, LGU and NGO child caring/placing agencies;
8. Conduct annual regional program review and evaluation workshop on adoption, other alternative family care services and on the implementation of RA 9523;
9. Keep files of issued Certification, Petition/Application and its supporting documents;
10. Maintain an updated list of CCAs/CPAs with valid license and accreditation for ready and accessible reference in checking of authority of the petitioners coming from the CCA/CPA; and
11. Maintain an updated data bank of adoption-related cases.

C. DSWD Central Office

The DSWD Central Office through the Program Management Bureau (PMB) shall manage and supervise the Adoption Resource and Referral Office (ARRO). There shall be one (1) SWO IV, at least four (4) SWO III, one (1)

Consultant Lawyer, one (1) Legal Assistant and at least three (3) administrative staff.

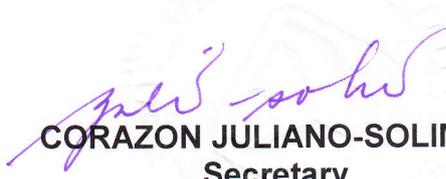
The ARRO staff shall perform the following:

1. Monitor the turn-around time of the issuance of Certification and determine the existence of children legally available for adoption;
2. Review and examine Petitions/Applications for issuance of Certification and other supporting documents submitted by the ARRU;
3. Certify that all requirements pertaining to Petition/Application for Certification have been complied with before endorsing the same to the Office of the Secretary;
4. Provide regular technical assistance to ARRU in DSWD Field Offices on the implementation of adoption program and other alternative parental care services;
5. Conduct annual national program review and evaluation workshop on adoption, other alternative family care services and on the implementation of RA 9523;
6. Maintain a data bank of children issued Certification;
7. Perform other functions as maybe defined by the Secretary or the Head of PMB in relation to adoption program and the implementation of RA 9523.

VIII. Effectivity

This Administrative Order shall take effect immediately.

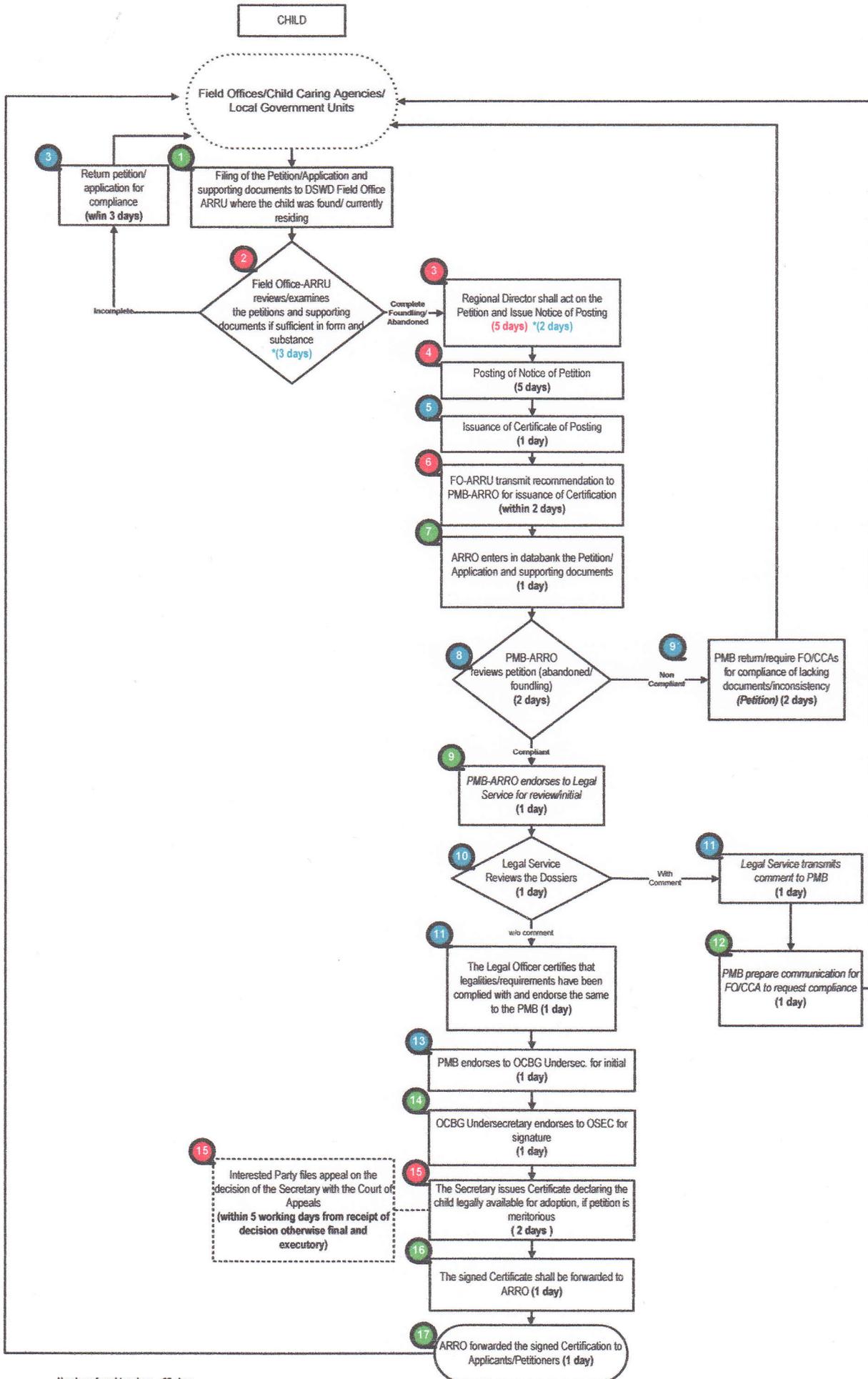
Issued this 19th day of July, 2011 in Quezon City, Philippines.


CORAZON JULIANO-SOLIMAN
Secretary

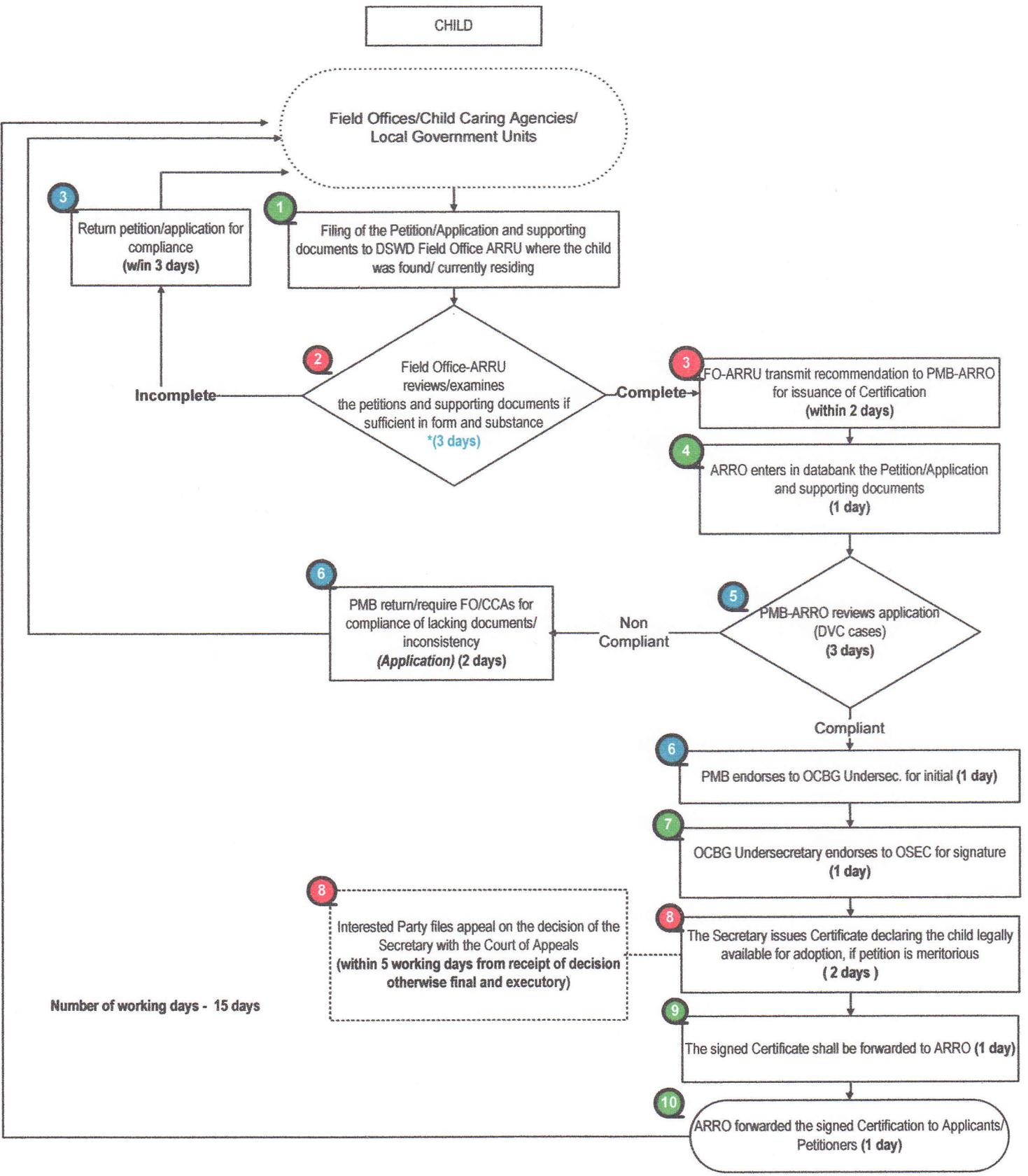
APPENDICES

- A - Process Flow on the Issuance of Certification for Abandoned, Neglected or Dependent Child
- B - Process Flow on the Issuance of Certification for Surrendered Child
- C - Checklist of Documentary Requirements
- D - Petition
- E - Media Certification
- F - Notice of Petition
- G - Certificate of Posting
- H - Certification Declaring a Child Legally Available for Adoption
- I - Child's Profile
- J - Sample letter of application to the Secretary (for voluntarily committed cases)
- K - Suggested format of a comprehensive Social Case Study Report
- L - Content of Newspaper Publication, Radio and TV Announcements

DSWD CERTIFICATION PROCESS (Petition)



DSWD CERTIFICATION PROCESS (Application)



Legend Colors:

Red – Per RA 9523

Blue - Per proposed Guideline of DSWD based on provision of RA 9523

Green – Steps included to complete the process flow per operational structure/directive in the last meeting with Secretary Corazon Juliano-Soliman on May 25, 2011.

* Steps nos. 2 & 3 were broken down into 3 and 2 days respectively to consist the five day period per RA 9523.

** Section 5 of RA 9523 provides for 7 days for the Secretary to issue certification however, per current practice, steps nos. 7-15 were assigned with number of days totaling to 8 days for the process of issuance at the DSWD-CO.

APPENDIX C: Checklist of Documents for Issuance of a Certification

Checklist for Voluntarily Committed (Surrendered) Children

Child's Name _____
Age _____ Date of Birth _____

Classification of Adoption (Pls. Check only one)

- Regular/Agency Adoption
- Pre-Identified Placement
- Foster-Adopt

Documents Required:

- Letter of Recommendation addressed to FO Regional Director
- Updated Social Case Study Report (with SW's PRC License No. and validity date)
- Original or Certified Machine Copy of Notarized Deed of Voluntary Commitment
- Birth Certificate (Certified True Copy from LCR or SECPA, whichever is available)
- Original and recent whole body photograph
- Original photograph of the child upon relinquishment/admission to agency
- Other Attachment/s: _____

Checklist for Abandoned, Neglected and Dependent Children

Child's Name _____
(Approx.) Age _____ (Given) Date of Birth _____

Classification of Adoption (Pls. Check only one)

- Regular/Agency Adoption
- Pre-Identified Placement
- Foster-Adopt

Document Required:

- Notarized Petition
- Updated Social Case Study Report (with SW's PRC License No. and validity date)
- Written certification from radio / TV station that case was aired in 3 different dates
- One (1) original newspaper publication (whole copy of newspaper or Affidavit of Publication)
- Either one of the following:
 - Police Report
 - Barangay Certification
 - Certified copy of a tracing report issued by PNRC
- Returned registered mail (If Address is Available)
- Birth Certificate/Certificate of Foundling, certified true copy from LCR or SECPA (If the document is available) or Child's Profile
- Child's original recent photograph
- Original photograph of the child upon abandonment
- Certified copy of the Notice of Petition
- Original copy of the Certificate of Posting
- Other Attachment/s: _____

APPENDIX D: Petition

REPUBLIC OF THE PHILIPPINES
(Logo/Letter Head of Petitioner)
(Address of Petitioner's Office/Agency)

IN RE: PETITION FOR ADMINISTRATIVE
DECLARATION OF MINOR
(Name of Child) AS LEGALLY AVAILABLE FOR
ADOPTION

Admin Proc. No. (Field Office)-2009-001

(Name of Head)
HEAD
(Name of Agency/Institution)

Petitioner

X----- X

PETITION

Petitioner unto this office most respectfully alleges:

1. That the petitioner is of legal age, Filipino, **(civil status)** and a resident of **(Address)** and is presently the Head of the **(Name of Agency/Institution)**, a **(licensed/accredited child caring/placing agency)** with office address at **(address)**;
2. That the subject minor, **(Name of Child)**, who is **(age of child)** is presently under the care and custody of **(Name of agency/ institution)** located at **(address of agency/ institution)**.
3. That a Social Case Study Report prepared by **(Name of Social Worker)**, a licensed social worker of the **(Name of Agency/Institution)**, copy of which is attached as Annex "A" and made an integral part hereof shows that on **(e.g.) April 5, 2008 at around 9:00 in the morning, a certain Mrs. Dela Cruz, a concerned citizen found an approximately 3 years old boy crying along 18th Avenue, Barangay San Roque, Cubao Quezon City. The finder turned over the minor to the Barangay Officials of San Roque, Quezon City for proper action. Minor stayed at the Barangay Hall for two days; however no one came to claim and take his custody. Hence, minor was referred to DSWD-NCR Crisis**

Intervention Unit and subsequently endorsed to the Reception and Study Center for Children (RSCC) for proper case management on April 8, 2009.

4. That efforts had been made to locate the parents or relatives of the child through airing of the child's case over (e.g.) **several radio stations on three (3) different dates such as: DZEM "BIP sa Hapon" on May 18, 2008, DZEC "I Radyo Natin" on July 28, 2008 and Veetias Serbilis sa Caritas on August 10, 2008**, copies of the tri-media certification hereto attached as Annexes "B" to "B-2".

That child's case was reported to the Office of Barangay **San Roque, Quezon City** where the child was found, on **(date of blotter)** and blotted with the **Philippine National Police, Quezon City District, Cubao Police Station (PS7) Camp Panopio, EDSA corner P. Tuazon Blvd. Cubao, Quezon City** on **(date of blotter)**, copies of the certification/report are attached as Annexes "C to C-1".

That the child's name, photograph when found and the circumstances of abandonment has been published in "**Pilipino Star Ngayon**", a newspaper of general circulation on **November 02, 2006**, copy of the publication is attached as Annex "D".

5. That the child's most recent photograph and a photograph upon admission to the center/abandonment are attached as Annexes "E to E1".
6. That the social worker facilitated securing the child's Birth/Foundling Certificate on **(date)** to ascertain his/her identity, copy of the Birth/Foundling Certificate is attached as Annex "F";
7. **(Include other annexes/information, if necessary, such as Affidavit/s, Death Certificate of parent/s (if applicable), Assessment Report of child's biological family/relatives, Notarized Deed of Voluntary Commitment signed by the parent of a legitimate child whose other parent cannot be located, etc.)**
8. That the subject minor **(name of child)** was abandoned by his/her parent/s for **(number of years/months)** and his/her identity could not be ascertained and his/her whereabouts are unknown;
9. That the subject minor being an abandoned child, needs to be declared legally available for adoption.

WHEREFORE, premises considered, it is most respectfully prayed to this Office that a Certificate be issued declaring the child **(name of minor)** as legally available for adoption.

April 2, 2009, Quezon City, Philippines.

HEAD
Name and Signature of Petitioner

SUBSCRIBED AND SWORN to before me this ____ day of _____ 20__ in the City of Quezon, Philippines. Petitioner exhibited to me her Community Tax No./Valid ID No. _____ issued on _____ at _____.

NOTARY PUBLIC

Doc. No. _____
Page No. _____
Book No. _____
Series of _____

APPENDIX E: Media Certification

REPUBLIC OF THE PHILIPPINES
(Logo/Letter Head of Media Publication Company)
(Office Address)

MEDIA CERTIFICATION

This is to certify that the case of herein below described minor/s has been aired over the TV/Radio Program (name of station), on (date and time aired).

“Tinatawagan ng pansin ang mga magulang o kamag-anak ng batang (pinangalanang) si _____, tinatayang _____ taong gulang nung siya ay iniwan sa _____ noong _____.
Mangyari po lamang na makipag-ugnayan kay (pangalan ng social worker) sa (pangalan at lokasyon ng ahensya) o tumawag sa telepono bilang _____. (Please include other information necessary to the case, if available).”

This Certification issued upon request of (Name of Petitioner’s Agency) for purpose of filing the Petition to declare said minor/s as legally available for adoption, as required under RA 9523.

Announcer/Anchor

Date

APPENDIX F: Notice of Petition

REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT
Field Office _____
(Field Office Address)

IN RE: PETITION FOR ADMINISTRATIVE
DECLARATION OF MINOR
(Name of Child) AS LEGALLY AVAILABLE FOR
ADOPTION

Admin Proc. No. (Field Office)-2009-001

(Name of Head)
HEAD
(Name of Agency/Institution)

Petitioner

X----- X

2x2 picture of
the minor
when found/
abandoned

NOTICE OF PETITION

Notice is hereby given that, a petition for administrative declaration of minor (Given Name of Minor/A.K.A.), (approximate age) when found on (date and time) at (exact place) as legally available for adoption is filed at the DSWD-NCR, 389 San Rafael cor. Legarda Sts., Quiapo, Manila.

Any interested party may file their opposition to determine why the petition should be denied at the above office or at the nearest Local Social Welfare and Development Office, within 5 days from the time of posting

April 13, 2009, Manila, Philippines.

Regional Director

APPENDIX G: Certificate of Posting

REPUBLIC OF THE PHILIPPINES
(Logo/Letter Head of Petitioner)
(Agency Address)

IN RE: PETITION FOR ADMINISTRATIVE
DECLARATION OF MINOR
(Name of Child) AS LEGALLY AVAILABLE FOR
ADOPTION

Admin Proc. No. (Field Office)-2009-001

For: (Name of Regional Director)
(Field Office)

X----- X

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

This is to certify that the notice of petition with the picture of minor (name) who is being petitioned to be declared as legally available for adoption has been posted on April 14-18, 2009 at the (City/Municipal Hall/Post Office/Bgy. Hall/Police Station/Health Center), in compliance with RA 9523.

(Date and Place Issued), Philippines.

(Name of Authorized Person)
(Designation)
(Name of place where the notice was posted)

APPENDIX H: Certification

Control No. _____

CERTIFICATION

This is to certify that child, _____
(Name of Child)

_____ as of _____ with
(Age) (Date)

_____ is legally available for adoption,
(Petition/Application No.)
pursuant to the provisions of Republic Act 9523.

Issued on ____ day of _____, Quezon City, Philippines.

DSWD Secretary

Secretary's Seal

APPENDIX I: Child's Profile

CHILD'S PROFILE FORM

Note: The child's profile form is only applicable to the foundling cases. The filled up child's profile form should be attached to the Certificate of A Child Legally Available for Adoption issued by the Secretary of the DSWD when applying for a Certificate of Foundling, for reference of the Local Civil Registrar Office.

Given Name:		Approximate Age:	
		Given Birth Date:	
Present Address:			
Sex		Age when Found:	
Date when Found:		Time when Found:	
Place where Found:			
Color of the Eyes:			
Color of the Hair:			
Distinct Body Features or Marks:			
Condition of the Child when Found:			
Name/ Address of Finder:			
Occupation of Finder:			
Name of Informant/ Address/ Telephone Number and Date:			

Prepared By: (Name of Social Worker)

Noted By: (Name of Petitioner)

Signature _____
Name _____
Position _____
License Number _____
Validity _____

Signature _____
Name _____
Position _____
License Number _____
Validity _____

APPENDIX J: Letter of Recommendation to the Secretary

Petition/Application No. (Field Office)-2009-001

FOR : **HONORABLE CORAZON JULIANO-SOLIMAN**
Secretary, DSWD

THRU : **DIRECTOR PATRICIA B. LUNA**
Program Management Bureau

FROM : **THE REGIONAL DIRECTOR**
DSWD-FO ____

DATE : _____

This has reference to the case of (Name of the Child), 3 years and 7 months old, which was filed to us by (Name and Agency of Petitioner/Applicant) on (Date When Filed) for purposes of issuance of a Certification to Declare him/her Legally Available for Adoption, with DVC signed and notarized on April 1, 2009 at (place of notarization)/Petition notarized on April 1, 2009 at (place of notarization).

After review of the attached supporting documents submitted by the (Petitioner/Applicant), it was assessed to be sufficient in form and in substance.

In view of the above, I hereby recommend that a Certification be issued to declare (name of minor) as legally available for adoption so as to facilitate his/her permanent placement.

Anticipating your favorable action on this matter.

(Name of the Regional Director)

Encl : a/s

Cc : (Name and Address of Petitioner/Applicant)

APPENDIX K: Suggested Format of a comprehensive Social Case Study Report

SOCIAL CASE STUDY REPORT

I. Identifying Information

- Name
- Sex/Age
- Date of Birth/Found
- Place of Birth/Found
- Date of DVC/Court Order of Declaration of Abandonment
- Source of Referral
- Present Whereabouts
- Date of Admission
- Family Composition
- Sources of Information

II. Circumstances of Referral – Indicate circumstances surrounding the referral and admission of the Child to the Child Caring Agency e.g. referring parties, reasons for admission.

III. Description of Child Upon Admission - This should cover physical appearance, personality, habits and other significant observations about the child. It should be specific, accurate and factual.

IV. Medical and Development History of the Child – This consists of information on types of immunizations received and dates given, previous illness, treatment and medication and when available, the results of any special medical evaluation.

V. Current Functioning of the Child – This should cover the child's physical, psychological, social developmental functioning/activities of the child e.g. school, center, foster home.

VI. Description of the Child's Present Environment – This includes environment of the child. Significant adults/ children interacting with him/her, and disposition of the child towards his adoption. Description of foster family/ center where the child came from and his/her functioning/ relationship with foster family/center personnel from the time of admission to child's discharge for placement. Stage of development which child went through (by month). Describe mental development, motor development.

a. On placement and separation from the child:

i. Information on how the following reacted to the separation/ placement of the child:

- Birthparents/ birth relatives
- Caregiver / Foster parents
- Prospective adoptee himself/ herself
- Prospective Adoptive Parents (PAPs)

b. Information regarding the grieving process undergone by:

- Birthparents/ birth relatives
- Caregiver / Foster parents
- Prospective adoptee himself/ herself
- Prospective Adoptive Parents (PAPs)

- c. Information regarding grief resolution of:
- Birthparents/ birth relatives
 - Caregiver / Foster parents
 - Prospective adoptee himself/ herself
 - Prospective Adoptive Parents (PAPs)

VII. Background Information on Child's Parent/s/Family

This tackles pertinent background information on birth family such as:

a) Physical Description

- Physical appearance of birthmother/ father, body built, height, complexion, hair, eyes, nose, disability/ deformity
- Health History (physical and mental)
 - Hereditary/ non-hereditary illness/es
 - Medication given
 - Pre-natal history

b) Education/ Occupation/ Income and Earnings

c) Psychological background

- Character/ trait
- Hobbies, interest, talents
- Quality of intra-familial relationship

Family dynamics (birthparent's relationship with their children and siblings relationship) relatives

- Childhood experiences of birthparents (positive/ negative that may have an impact on quality of parenting)
- Assessment of mental ability – level of intelligence/ personality
- Negative history of substance/ alcohol abuse, sexual abuse, domestic violence, imprisoned parent/s criminal record
- Quality of child rearing

d) Surrounding circumstances leading to the child's being given up for placement.

- Inability to care for the child due to poverty
- Born out of an illicit affair/ incest/ rape
- Imprisoned birthparent/s
- Mentally ill birthparent/s
- Birthparents were minors when child was born (emotionally immature)
- Physical disability/ illness of the child warranting further interventions
- Serious life threatening illness

VIII. **Evaluation** – Summary statement on why the child's needs to be declared legally available for adoption and permanent placement.

IX. **Recommendation** – Summary statement to indicate the type of family that would be suitable given the parenting needs of the child.

APPENDIX L: Content of Newspaper Publication, Radio and TV Announcements

1. Full name of the child, if available. If not, indicate an "alias", e.g. Baby Girl or Baby Boy;
2. Approximate age when found;
3. Date and time when Found;
4. Place where the child was found (indicate the exact address and the circumstances of abandonment);
5. Name of parent/s and/or biological family, if available;
6. Complete name of person and agency to be contacted; and
7. Photograph of the child upon abandonment (for newspaper publication and TV announcement)

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
Under "IRationale", R.A. 9523 was enacted on 12 March 2009, not 12 May 2009	We should put accurate data in our guidelines	Assistant Secretary Ma. Chona O. David-Casis	Was considered
Under "IV. Definition of Terms", the definitions given should not deviate from those under R.A No. 9523 and its IRR.			Not considered because the term was operationally defined as per agreement in the IAC who prepared the IRR
A. For instance, item 16 (Involuntarily Committed Child) appears to be an unnecessary rephrasing of Section 3(7) of the IRR, thus resulting in some loss of accuracy in the meaning.			Did not considered suggestion to include in the definition of Licensed SW. The requirement for SWs abroad because in some countries they do not have licensed exam.
B. Item 18 (Licensed Social Worker), for clarity, we suggest replacing the phrase "or government of the foreign country" with "or, in case of Social Workers based in another country, duly licensed as such by that country."	Yes this is more accurate and would reduce confusion in interpretation/implementation		Was considered
C. Item 21 (Petition) may be rephrased for clarity	OK		Was considered
Under "VI. General Policies", item 2, the phrase "who is the subject of adoption should be removed." The child need not yet be the subject of adoption for a CAA to be issued	I agree		Was considered

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
Under "VI. General Policies", a. furthermore, items 3, 5, 6 and 7 may be rephrased for clarity	OK	Assistant Secretary Ma. Chona O. David-Casis	Considered
b. item 9 must be harmonized with Section 5 paragraph 2 of RA 9523	YES		Considered
c. Item 10 should clarify that it applies only to a voluntarily committed child d. In item 10, the phrase "being petitioned for issuance of Certification" should be removed, as Section 7 paragraph 3 of RA no. 9523 does not impose such requirement.	Agree, RA 9523 aim to facilitate the process so lets not complicated/add requirements		Considered
Page 15, Section VII (Restoration of Parental Authority) should be harmonized with Section 16 of the IRR. It should also be renumbered (the last item number in the series appears to be "4").	OK		Considered
Section VII. A.1. (d) should be harmonized with Section 3 (2.c) of RA No. 8523	YES		Considered
For Section VII A.1. (f) and (g), the newspaper article and TV announcement should feature a photo of the child, so that the child may be more easily identified.	OK		Considered

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>Under VII. A.2, the terms "hurried decision" and "thorough counselling" should be well defined. Unfortunately, we believe the PMB, and not the Legal Service, is in the best position to suggest such definitions. This is very important as it is a known common practice among child caring agencies (CCAs) to have parents sign a Deed of Voluntary Commitment <i>immediately</i> when they leave a child in the CCA's custody.</p>	<p>Refer to suggested re-phrasing on p.9.</p>	<p>Assistant Secretary Ma. Chona O. David-Casis</p>	<p>Not considered</p>
<p>Certain items under VII. B.4.1.1 may be rephrased for clarity.</p>	<p>OK</p>		<p>Considered</p>
<p>We have also noted some inconsistencies between R.A. No. 9523 and its IRR. We would like to discuss how to address these sometime soon.</p>	<p>Yes this should be addressed and an inter-agency meeting to amend the IRR must be convened. But let's pass these guidelines first, then LS can initiate this consultation process towards harmonizing RA 9523 and the IRR.</p>		<p>Not considered because this requires amendment of the law/IRR</p>
<p>Definition of Terms</p>	<p>5. Birth Simulation- shall refer to the tampering of the civil registry making it appear in the birth records that a certain child was born to a person who is not his/her biological parents, causing such child to lose his/her true identity and status.</p>	<p>Undersecretary Alicia R. Bala</p>	<p>Considered</p>
<p>5. Birth Simulation- shall refer to the tampering of the civil registry making it appear in the birth records that a certain child was born to a person who is not his/her biological parents, causing such child to lose his/her true identity and status.</p>	<p>5. Birth Simulation- to read as "shall refer to a person who <i>is/are</i> not his/her biological parent/ s,status."</p>		

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>Definition of Terms 16. Involuntarily Committed Child-refers to a child who the DSWD finds to be abandoned, neglected or dependent, by his/her parents or guardian and is ordered committed to the care and custody of the DSWD Centers or Institutions or to a licensed or accredited Child Caring/Placing Agency or individual.</p>	<p>16. to add.....committed <i>by the Court</i></p>	<p>Undersecretary Alicia R. Bala</p>	<p>Considered</p>
<p>Definition of Terms 17. Legal Guardian shall refer to a guardian appointed by the court to represent and protect the interests of a child in legal actions.</p>	<p>17. Legal Guardian-to read as " shall refer to a "person" appointed..... actions."</p>		<p>Considered</p>
<p>Definition of Terms 18. Licensed Social Worker shall refer to a person who passed the government licensure examination for Social Workers as required by Republic Act 4373 and has an existing valid license as a Social Worker from the Philippine Regulation Commission (PRC) or government of the foreign country.</p>	<p>Some countries do not issue license, since there is no board exams.</p>		<p>Considered</p>
<p>Definition of Terms 19. (a) There is physical neglect when the child is malnourished, ill clad, and without proper shelter. A child is unattended when left by him/herself without proper provisions and/or without proper supervision.</p>	<p>Delete "s" from provision, to read as " There is proper provision and/orsupervision.</p>		<p>Considered</p>

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>Definition of Terms</p> <p>19. (b) There is emotional neglect when the child is maltreated, raped/sexually assaulted, seduced, exploited/trafficked, overworked, or made to work under conditions not conducive to good health; or are made to beg in the streets or public places; or when children are in moral danger, or exposed to gambling, prostitution, and other vices.</p>	<p>Insert the words proper development and to read as " There is conducive to proper development and good health.....vices."</p>	<p>Undersecretary Alicia R. Bala</p>	<p>Considered</p>
<p>Definition of Terms</p> <p>20. Newspaper of General Circulation-shall refer to any ordinary newspaper, either broadsheet or tabloid, that is published, edited and circulated in the city and/or province where the requirement of general circulation applies.</p>	<p>Insert the word Municipality to read as " shall refer to.....circulated I the city, Municipality and/or province.....applies."</p>		<p>Considered</p>
<p>V. Scope and Limitations</p> <p>(c) Adoption of a child by a relative within the fourth (4th) degree of consanguinity or affinity, which includes parents, grandparents, siblings, uncle/aunt, first degree cousin.</p>	<p>Do we allow siblings to adopt their other brother or sister? parents (?)</p>		

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>General Policies</p> <p>9. If child has already been registered as foudling, the Certificate of Foundling should be attached to the petition as supporting document. Otherwise, the Certification that the child is legally available for adoption shall be sufficient as the sole basis for the local civil registrar to issue the Certificate of Foundling.</p>	<p>Insert a to read as "If a child has already Certificate of Foundling.</p>	<p>Undersecretary Alicia R. Bala</p>	<p>Considered</p>
<p>VII. Implementing Procedures</p> <p>A. 1. For Abandoned or Dependent Child Upon the child's admission to the DSWD Center/Institution or Child Caring/Placing Agency or referral of same to Provincial/City/Municipal Social Welfare and Development Office, the social worker shall undertake the following to gather information and documents pertinent to the case.</p>	<p>Placing Agency-this should be deleted. They are not supposed to admit children if they are child placing agencies. Center/Institution-can we put a qualifier-licensed Child Caring facility</p>	<p>Assistant Secretary Florita R. Villar</p>	<p>Considered</p>
<p>VII. Implementing Procedures</p> <p>A. 1. (a) Secure colored photo of the child (at least two (2) pcs. 2x2 and whole body, 3R in size) upon referral or admission to the agency/institution;</p>	<p>[upon referral or admission to the agency/institution;]-redundant</p>		<p>Considered</p>

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>VII. Implementing Procedures A. 1. (e) Secure a Police Report or barangay certification from the locality where the child was found or a certified copy of Tracing Report from the Philippine National Red Cross (PNRC), National Headquarters. The blotter should contain the facts and circumstances of abandonment or neglect, e.g. date, time, place and approximate age of the child when found.</p>	<p>replaced blotter to <i>report</i></p>	<p>Assistant Secretary Florita R. Villar</p>	<p>Considered</p>
<p>VII. Implementing Procedures A. page 8 of 18 On the 3rd month shall:</p>	<p>On the 3rd month <i>the Social Worker</i> shall:</p>		<p>Considered</p>
<p>VII. Implementing Procedures A. page 8 of 18 On the 3rd month shall: a.3-a.5</p>	<p>there are not applicable if they have been abandoned</p>		<p>Considered</p>
<p>VII. Implementing Procedures A. page 8 of 18 On the 3rd month shall: c. Apply for a Certificate of Foundling at the Local Civil Registry</p>	<p>This should be discussed in detail i.e. what documents are needed to apply for a certificate of foundling, etc.</p>		<p>Considered</p>

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>VII. Implementing Procedures 2. For Surrendered Child In all proceedings for adoption for voluntarily committed cases, a series of counseling shall be provided by concerned trained social workers to the biological parent/s or legal guardian to prevent him/her from making hurried decision to give up the child.</p>	<p>re-phrased-In all proceedings for adoption for voluntarily committed cases, series of counseling shall be provided by trained social workers to the biological parent/s or legal guardian to ensure that they are <u>fully informed of the consequences of their</u> decision to give up the child.</p>	<p>Assistant Secretary Florita R. Villar</p>	<p>Considered</p>
<p>VII. Implementing Procedures 2. For Surrendered Child a. Facilitate the signing of Deed of Voluntary Commitment (DVC) in three (3) original) and its notarization, if parent/s decided to give up the child for adoption after a thorough counseling.</p>	<p>re-phrased- Facilitate the signing of Deed of Voluntary Commitment (DVC) in three (3) copies (all original) and its notarization, if parent/s/legal guardian, after <u>going through counseling</u>, decide to give-up the child for adoption.</p>		<p>Considered</p>
<p>VII. Implementing Procedures B. Process in Securing a Certification from the DSWD 1. Who shall file the Petition?</p>	<p>Change "Who shall file the Petition?" to <i>The Petitioner</i></p>		<p>Not considered</p>

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>VII. Implementing Procedures B. Process in Securing a Certification from the DSWD 1. Who shall file the Petition? The Head or Executive Director of a licensed or accredited child-caring or child placing agency or institution managed by the national or local government, non governmental organization or provincial, city or municipal social welfare and development officer of local government units who is filing a petition in behalf of an individual who has actual/physical custody of a minor to declare such child legally available for adoption</p>	<p>to read as " The Head or government units <i>can file</i> a petition.....adoption.</p>	<p>Assistant Secretary Florita R. Villar</p>	<p>Considered</p>
<p>VII. Implementing Procedures B. Process in Securing a Certification from the DSWD 3. When to File? For abandoned and dependent children, the petition shall be filed after but not less than three (3) continuous months from the time of abandonment or dependence of said child.</p>	<p>to read as " For abandoned..... less than the three (3).....child.</p>		<p>Considered</p>

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>VII. Implementing Procedures B. Process in Securing a Certification from the DSWD 4. How to file? 4.1.1 b, v Activities done to locate the child's family/relatives (e.g., Home visit, media publication, returned registered mail, police or barangay blotter or certificate of tracing report from Philippine National Red Cross)</p>	<p>to read as " Activities done to locate the child's family/relatives (e.g., Home visit, media publication, returned registered mail, police blotter or barangay certificate or certificate of tracing report from Philippine Red Cross)</p>	<p>Assistant Secretary Florita R. Villar</p>	<p>Considered</p>
<p>Page 16 of 18 VII. Institutional Arrangement A. DSWD Centers/Institutions, Child-Caring/Placing Agencies, Community based-Non-governmental Organizations (NGOs) or Provincial/City/Municipal Social Welfare and Development Offices shall:</p>	<p>delete the word-Placing Agencies</p>		<p>Considered</p>
<p>Page 5 of 18 VI. General Policies 10. The parent/s or legal guardian who has interest in claiming back a voluntarily committed child may file a Petition for restoration of parental authority with the DSWD within three (3) months after signing the DVC</p>	<p>after 3 months?</p>	<p>Assistant Secretary Vilma B. Cabrera</p>	<p>Not after 3 months, but within 3 months</p>

Consolidation of Comments re: Operational Guidelines on the Issuance of DSWD Certification Declaring a Child Legally Available for Adoption

ITEM	COMMENTS/INPUTS	EXECOM	REMARKS
<p>Page 5 of 18 VI. General Policies 10. 3rd para-In cases of involuntary committed children, the Petition to restore parental authority shall be filed before the court, which granted the Petition for involuntary commitment.</p>	<p>State date/timeline up to when filing Petition to restore Parental Authority is allowed</p>	<p>Assistant Secretary Vilma B. Cabrera</p>	<p>Not provided for in the law thus not considered</p>
<p>5. Restoration of Parental Authority The parent/s or legal guardian of a voluntarily committed child seeking to reclaim parental authority over the child may file a Petition therefor within three months from the time of parents/legal guardian signed the DVC. The Petition shall be granted only if the Department is satisfied, after a thorough assessment, that the parent/s or legal guardian is/are in a position to adequately provide for the needs of the child. For involuntarily committed child, the Petition for restoration of parental authority may be filed by the parent/s or legal guardian before the court, which granted the involuntary commitment, provided that the child has not yet been adopted.</p>	<p>State WHERE petition for restoration of parental authority shall be filed the lapse of mandated timeline (3 month-reglementary period) for both voluntarily and involuntarily committed children.</p>		<p>Considered</p>