

ADOPTION

Doc. pré. No 1  
Prel. Doc. No 1

août / August 2009



**QUESTIONNAIRE SUR LES ORGANISMES AGRÉÉS DANS LE CADRE DE LA  
CONVENTION DE LA HAYE DU 29 MAI 1993 SUR LA PROTECTION  
DES ENFANTS ET LA COOPÉRATION EN MATIÈRE  
D'ADOPTION INTERNATIONALE**

*établi par le Bureau Permanent*

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**QUESTIONNAIRE ON ACCREDITED BODIES IN THE FRAMEWORK OF THE  
HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION  
OF CHILDREN AND CO-OPERATION IN RESPECT  
OF INTERCOUNTRY ADOPTION**

*drawn up by the Permanent Bureau*

*Document préliminaire No 1 d'août 2009 à l'intention de la  
Commission spéciale de juin 2010 sur le fonctionnement pratique de la  
Convention de La Haye du 29 mai 1993 sur la protection des enfants et  
la co-opération en matière d'adoption internationale*

*Preliminary Document No 1 of August 2009 for the attention of the  
Special Commission of June 2010 on the practical operation of the  
Hague Convention of 29 May 1993 on Protection of Children and  
Co-operation in Respect of Intercountry Adoption*

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## Introduction

The Permanent Bureau is undertaking preparations for the Third Special Commission Meeting to review the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Inter-country Adoption* (1993 Hague Convention), which is to be held in The Hague in June 2010. It is intended that the Special Commission will provide the opportunity for State Parties to the Convention (as well as States which are considering or preparing for ratification or accession) to exchange information and experiences on the operation of the Convention, to compare practices, and to discuss any difficulties in respect of the implementation and practical operation of the Convention.

Following the recommendations of the 2005 Special Commission, and based on the Discussion Paper on Accreditation Issues,<sup>1</sup> the Permanent Bureau is gathering information for a new Guide to Good Practice on Accreditation. The following Questionnaire has been developed for this purpose. Your responses to this Questionnaire will be an invaluable source of information for us in developing the new Guide.

As you know, in many countries, accredited bodies perform the functions of Central Authorities in relation to particular adoptions under the 1993 Hague Convention. The process of accreditation of bodies is one of the Convention's safeguards to protect children during the adoption process. The Convention requires that accredited bodies be not for profit, staffed by qualified and experienced personnel and be subject to supervision by competent authorities (Art. 11). Basic standards are imposed by the Convention to guide the accreditation process. It is implicit in the Convention that States will develop their own accreditation criteria, based on Convention objects and standards and expanded as necessary to meet the requirements of the individual State. The new Guide will include a set of model accreditation criteria.

In addition, according to Article 12, bodies accredited in one State and wishing to operate in another State must be specifically authorised to do so by the competent authority of both States (the accrediting State and the State of operation). In order to clear up some misunderstandings, the new Guide will explain the differences between accreditation and authorisation.

This Questionnaire is addressed to Member States of the Hague Conference and Contracting States to the 1993 Hague Convention. Obviously, it is understood that some questions can only be readily answered by Contracting States. It is also understood that some questions are more relevant to States of origin than to receiving States and vice versa.

As regards all other States which are not yet Party to the Convention, as well as certain intergovernmental organisations and non-governmental international organisations which have also been invited to Special Commissions as Observers, we would welcome from them any comments in respect of any items in the Questionnaire which are considered relevant.

We intend, except where expressly asked not to do so, to place all replies to the Questionnaire on the Hague Conference website. We would therefore request that replies be sent to the Permanent Bureau, if possible by e-mail, to: **secretariat@hcch.net**.

*We would be very grateful for your co-operation in this exercise, and we hope that you will be able to send us your replies to this Questionnaire **by 30 September 2009**.*

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<sup>1</sup> "A Discussion Paper on Accreditation Issues", drawn up by Jennifer Degeling, Principal Legal Officer, with the assistance of Carlotta Alloero, Intern.

**NAME OF STATE OR ORGANISATION:** INTERCOUNTRY ADOPTION BOARD (PHILIPPINES)

## EXPLANATIONS AND QUESTIONS

If a question does not apply to your State, please answer "Not applicable" or "N/A".

Some questions can be answered by marking a box.

Where your answer refers to specific provisions of your law / laws, please cite the law and provision number as it may be a helpful reference in the Guide to Good Practice.

Where your answers can be enhanced by providing a link to an electronic version of a document (e.g., guidelines, criteria), please give that link.

## USE OF TERMINOLOGY

**There are three situations in which accreditation and authorization (as used in the Convention) may occur. A distinction is to be made between "accreditation" and "authorisation":**

- (1) adoption bodies are accredited in the receiving State to work in States of origin (Arts 10, 11) (1993 Hague Convention terminology: **accreditation**);
- (2) those adoption accredited bodies of receiving States are granted authorisation in the State of origin with a view to arranging the adoption (Art. 12) (1993 Hague Convention terminology: **authorisation**);
- (3) bodies in the State of origin are accredited by it to work with foreign bodies of the receiving State with a view to adoption (Arts 10, 11) (1993 Hague Convention terminology: **accreditation**).

**NB: FOR STATES OF ORIGIN, PLEASE MAKE IT CLEAR IN YOUR ANSWERS IF YOU ARE REFERRING TO YOUR OWN ACCREDITED BODIES OR TO FOREIGN ACCREDITED BODIES WORKING IN YOUR STATE.**

### A. General policy issues concerning accreditation

1. In your State what terminology do you use for the situations described in (1), (2) and (3) above? Is it the same or different? If different, please specify, define and indicate if you intend to use your own terminology to answer the following questions.

[http://www.icab.gov.ph/index.php?option=com\\_docman&task=doc\\_view&gid=14&Itemid=30](http://www.icab.gov.ph/index.php?option=com_docman&task=doc_view&gid=14&Itemid=30)

[http://www.icab.gov.ph/index.php?option=com\\_docman&task=doc\\_view&gid=13&Itemid=30](http://www.icab.gov.ph/index.php?option=com_docman&task=doc_view&gid=13&Itemid=30)

	HAGUE CONVENTION	REPUBLIC ACT 8043	IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT 8043
Situation (1) ACCREDITATION	Art. 10 & 11 - adoption bodies are accredited in the receiving State to work in States of origin	Sec.6 (i) Art II – to accredit and authorize foreign private adoption agencies which have demonstrated professionalism,	Sec. 3, subsection (d) and (e) Art.2 – (d) Accreditation of Local Child Caring Agency/Child Placing Agency" shall refer to the recognition of a social welfare development program or service that such is implemented by a

		<p>competence and have consistently pursued non-profit objectives to engage in the placement of Filipino children in their own country:          Provided, That such foreign private adoption agencies are duly authorized and accredited by their own government to conduct inter-country adoption:          Provided, However, that the total number of authorized and accredited foreign private adoption agencies shall not exceed one hundred (100) a year;</p>	<p>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.</p> <p>(e) Accreditation of Foreign Adoption Agencies” shall refer to the recognition by the Board to a Foreign Adoption Agency duly licensed by the state welfare authority in a Non-Contracting State as meeting the official requirements to participate in the Inter-country adoption Program of a social welfare development  <i>Confusion may stem from the use of the term “accreditation” for Non-Hague Member parties</i></p> <p>(f) “Authorization” shall refer to recognition granted by the Board to a Foreign Adoption Agency duly accredited by the Central Authority of a Contracting State to participate in the Philippine inter-country Adoption program</p>
Situation (2) Authorization	Art. 12 Those adoption accredited bodies of receiving States are granted authorisation in the State of origin with a view to arranging the adoption (Art. 12)	Same as above term is accreditation	Sec. 3, subsection (d) and (e) Art.2 – (f) “Authorization” shall refer to recognition granted by the Board to a Foreign Adoption Agency duly accredited by the Central Authority of a Contracting State to participate in the Philippine inter-country Adoption program
Situation (3) Accreditation	bodies in the State of origin are accredited by it to work with foreign bodies of the receiving State with a view to	No definition	Sec. 3, subsection (y) Art.2 – Liaison Service shall refer to the effective delivery of facilitating social services provided by a licensed and accredited Child Caring or Child Placing Agency (CCA/CPA) to represent a Foreign Adoption Agency (FAA) in the Philippines;

	<b>adoption</b>		<i>Guidelines on the functions of the Liaison agency are attached as <b>Annex "A"</b></i>
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2. Is your State a receiving State or a State of origin or both? **STATE OF ORIGIN.**
3. Have you informed the Permanent Bureau all of the details of bodies accredited by your State, as required by Article 13? Is the information which is currently on the Hague Conference website up to date? **ALL INFORMATION AVAILABLE THROUGH ICAB WEBSITE WHICH IS INCLUDED IN HCCH WEBPAGE [www.icab.gov.ph](http://www.icab.gov.ph)**

If your State has decided not to use accredited bodies, please explain the reasons and indicate what has influenced the decision. Please answer any questions that are relevant to your State's situation. **NA**

4. How do you define "accreditation" and "accredited body" in your State? **Please see definitions in the table above.**
5. Do the following categories of actors come within the definition of accredited body (are they included as accredited body staff, employees or personnel)?

- / facilitators (if they exist in your State, please specify their role) **part of Liaison service**
- / national representatives of foreign accredited body **"Liaison Service"**
- translators **part of Liaison service**
- lawyers (e.g., with a power of attorney from prospective adopters) **NA**
- guide, drivers, etc. **part of Liaison service**

If these actors are not employees of the accredited body, what is their legal relationship, if any, to the accredited body?

6. As at 30 September 2009, what is the current number of accredited bodies in your State, state or province? If possible, please indicate how many bodies have been refused accreditation, have lost their accreditation or discontinued their activities since 1 January 2006, and for what reason. [http://www.icab.gov.ph/index.php?option=com\\_contact&Itemid=32](http://www.icab.gov.ph/index.php?option=com_contact&Itemid=32)

<b>LOCAL PARTNERS</b>	<b>FOREIGN PARTNERS</b>
Government Institutions 11	USA 24
NGO 49	Canada 3
	Europe 22
	Asia Pacific 3

**Refusal of accreditation is usually based on non-compliance with requirements and lack of documentation.**

7. Do you think the number of accredited bodies accredited by, or operating in your State is proportional to the number of intercountry adoptions taking place? If not, do you intend to take any appropriate measures? **Yes. For the local partners, the more partners there are, the easier it is to monitor child caring agencies whether or not they are moving the children out of the institutions. Foreign partners numbers are regulated by the areas they cover/represent and the number of PAP applications they send.**

8. Do you impose any limits on the number of accredited bodies which are granted accreditation in your State? If yes, on what grounds are limits imposed? **Yes. (a) Countries with numerous Foreign Adoption Agencies and with little to no activity are usually subject of a moratorium to accept new applications for accreditation; (b) Where there is only one accredited body in a foreign country and there is practically no endorsement of applications, the Board may accredit another Foreign Adoption Agency in said state; (c) Due to the increasing number of waiting families and the low number of children available for intercountry adoptions, the Board upon request of the Secretariat imposes temporary moratoriums on the receipt of applications.**
9. Does the Central Authority or the accredited body make the choice of the foreign States with which the accredited body could work (if authorisation were to be given)? **Yes. Local Accredited bodies/Child Caring Agencies who represent/has dealings with a Foreign Adoption Agency cannot refer children to the agency they are allied with.**

**Receiving State questions NA**

10. (i) Receiving States: does the grant of accreditation automatically include an authorisation to act in:
- a) any State of origin;
  - b) a specified State / States of origin?
- (ii) Do you limit the number of accredited bodies for every State of origin?

**B. Organisation and structures**

11. On which subjects does the accredited body have to provide evidence to, or inform, the Central Authority or other competent authority to obtain or maintain accreditation? Please tick relevant box:
- / Composition of the accredited body's personnel and any changes **yes**
  - / Qualifications and experience of personnel **yes**
  - / Resolution of the board of governors attesting that the body is bound by ethical principles and rules of professional conduct **yes, usually home country accreditation is given weight**
  - / Internal statute, regulations and guidelines of accredited body, including
  - / documents which demonstrate the legal constitution of the accredited body
- yes**
- / financial management and accounting practices **yes**
  - / Costs and expenses charged by accredited body **yes**

- ❑ Copy of the terms of collaboration between the accredited body and the body or person to whom the body entrusts responsibilities in performance of the adoption procedure **no**
  - ❑ Budget forecasts for 12-24-36 months **no**
  - ❑ Copy of the standard-form contract between the body and adoptive candidate **no**
  - ❑ Insurance for legal liability **no**
  - ❑ Other – please provide details
- Sec 18 Article VI IRR**
- a. **A license and/or accreditation or authorization from its government to operate as an adoption agency to carry out inter-country adoptions.**
  - b. **Xxx**
  - c. **Detailed description of its programs and services, research studies and publications**
  - d. **Xxx**
  - e. **Undertaking under oath that it shall assume responsibility for the selection of qualified applicants; that it shall comply with the Philippine laws on inter-country adoption; that it shall inform the Board of any change in the foregoing information; and shall comply with post adoption requirements as specified by the Board**
  - f. **xxx**

#### **Receiving State questions NA**

- ❑ Certified true copy of an official version of the legislation of the State of origin with which the accredited body will co-operate
  - ❑ Contracts with foreign collaborators or intermediaries, their qualifications and mode of payment (monthly salary / flat rate for every adoption)
  - ❑ Agreements with orphanages in the countries of origin or internal regulations relating to the handling of cases, and confidentiality rules
  - ❑ Copy of the statement of authorisation or approval to work in the State of origin if applicable
  - ❑ Evidence of knowledge of the situation (cultural, social and legal) in the State of origin
  - ❑ Evidence of knowledge of the adoption law and practice in the State of origin, and understanding of the role of counterparts in the State of origin
12. Is it compulsory for staff of an accredited body to be professionally qualified? If yes, which professions? (*e.g.*, lawyers, psychologists, psychiatrists, social workers, etc). **Yes. Social Workers must be duly licensed. Other professions requirements depends on the rules of the country.**
13. If volunteers are used, what is the ratio of volunteers to professional staff? **No limitation or control requirement for volunteers.**
14. Are your accredited bodies required to sign a contract or agreement with the prospective adoptive parents? In general, what are the obligations of accredited bodies to adoptive candidates? **No. The obligation lies with the accredited body to ensure that the prospective adoptive parents have complied with the ICAB requirements. The accredited body are under obligation to ensure that all data transmitted to ICAB are above board and duly verified.**
15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?

**Local Partners - The ICAB undertakes training of its local partners to ensure that they are up to date on the latest policies and requirements of**



**international adoptions. A mentoring system of training is continuously being carried out to ensure the quality of the data transmitted to ICAB.**

**Foreign Partners - Regular updates are sent to Foreign Partners on policies affecting them.**

**Global Consultation – ICAB hosts a global consultation once every two years for its local and foreign partners to update each other on the emerging trends and necessary adjustments in its processes.**

16. Are your accredited bodies required to have internal guidelines for carrying out tasks related to adoptions including guidelines on confidentiality of information? **All guidelines emanate from the ICAB, internal guidelines must be in keeping and consistent with the requirements of the ICAB. Confidentiality is primary.**
17. Are your accredited bodies required to keep the adoption records for a certain number of years? How many years?

**Local partners - Records must be kept during the lifetime of the accredited body. One of the effects of Closure of the institution is the transmittal of all its records to the ICAB.**

**Foreign partners – all records are generally available at ICAB, Foreign partner required to keep originals if only electronic copies are sent to ICAB.**

### **C. Accreditation procedure**

18. Please provide details (including powers and resources) of the authority or authorities which grant accreditation. Briefly describe the procedure to obtain accreditation.

**Basis for the existence of ICAB is Republic Act 8043, it was enacted on June 7, 1995. RA 8045 defines the ICAB as the Central Authority in matters relating to inter-country adoption and the policy-making body for the purposes of carrying out the provisions of RA 8043 and the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption.**

**Article VI Section 18 of Amended IRR submission of required documents (please see response in last question of 11 above). Section 18 of the same law designates Board members or duly authorized representative to conduct authorization or accreditation visit to the Foreign adoption agency.**

19. Please give a brief outline of your accreditation criteria, guidelines or legislation. If possible, please provide an electronic copy of your accreditation criteria, guidelines or legislation, and any translations into English, French or Spanish. *Guidelines on the accreditation criteria of Foreign Adoption agencies are attached as **Annex "B"***
20. Is there a central registry of all accredited bodies?

**For local Child Caring Agencies – The Department of Welfare and Development  
For Foreign Adoption Agencies – The Inter-country Adoption Board**

21. For how long is the accreditation granted?  
**Hague Countries - Five (5) years**  
**Non-Hague Countries - Four (4) years**
22. What are the conditions for renewal of accreditation? **Section 20 IRR 60 days before expiration without any violations or complaints filed against them.**

#### **D. Authorisation of foreign accredited bodies**

23. In your State how do you define "authorisation" in the context of Article 12? Do you have criteria for authorisation? **IRR Section 3 Art. II (f) "Authorization" shall refer to recognition granted by the Board to a Foreign Adoption Agency duly accredited by the Central Authority of a Contracting State to participate in the Philippine inter-country Adoption program. Criteria attached as Annex "B"**
24. Who makes the decision to authorise accredited bodies in accordance with Article 12? Is your process of authorisation formal or informal? Please describe the process. **Formal process of Accreditation. Minimum standards in Annex "B" hereof and other requirements in Section 18 of the IRR.**
25. Is the Permanent Bureau informed of the authorisations?<sup>2</sup> **No direct transmittal of information but available via publication in ICAB webpage.**

#### ***Receiving State questions NA***

26. As a receiving State, can you provide the current numbers of accredited bodies authorised for individual countries of origin?
27. On what basis does the accredited body seek authorisation to work in a State of origin?
28. What factors or criteria are relevant for the Central Authority (or competent authority) to consider when giving or denying authorisation to work in a State of origin?

#### ***State of origin questions***

29. As a State of origin, have you authorised foreign accredited bodies to undertake intercountry adoptions in your State (see Art. 12)? **NO**. How many accredited bodies are currently authorised and from which receiving countries?  
**Australia (10); New Zealand (1); Adorra; Austria; Belgium (2); Chzech Republic; Denmark (2); Finland; France (3); Germany (2); Iceland; Ireland; Italy; Malta; Netherlands' Norway; Portugal; Spain (3); Sweden; Switzerland; United Kingdom; Canada (14); USA** How many were authorised as at 31 December 2005?
30. As a State of origin, is the foreign accredited body required to be fully accredited by your State and by your procedures, rather than simply "authorised"? **Fully authorized.**
31. As a State of origin, how do you decide how many foreign accredited bodies are

<sup>2</sup> "Where a body accredited in one Contracting State is, in accordance with Article 12, authorised to act in another Contracting State, such authorisation should be communicated to the Permanent Bureau by the competent authorities of both States without delay", Recommendation No 3 of the 2005 Special Commission (reaffirming Recommendation No 2 of the 2000 Special Commission).

needed in your State? **Please see reply in number 8 above.**

32. Countries of origin: If you authorise a foreign accredited body to “act” in your State, does this mean:
- the foreign accredited body must establish an office with professional staff (nationals of the State of origin or of the receiving State)? **No.**
  - the foreign accredited body can “act” in your State through an individual facilitator or intermediary **Through an accredited Liaison Service**
  - the foreign accredited body does not have an office or intermediary in the State of origin and it liaises directly with the Central Authority? **Yes, unless represented by a Liaison Service**
33. Countries of origin: have you experienced any difficulties with foreign accredited bodies working with or in your State? **Yes. Minor correctible problems.**

#### **E. Supervision and review of accredited bodies**

34. How do you supervise bodies accredited in your State (Art. 11 c))? Are regular reports required such as annual reports (including financial reports) from the accredited body to the supervising authority? **No requirement for annual reports.**
35. What supervision occurs in the State of origin of authorised foreign accredited bodies? **Supervision Consists mainly on (a) the monitoring of data on webpages; (b) ensuring compliance with ICAB policies and guidelines and (c) visits to offices and adopted children.**
36. How is the performance of the accredited body assessed or evaluated? **On the basis of: (a) Quality of preparation of PAP's; (b) quality of documents submitted; and (c) quality of post adoption services and support.**
37. Does the supervising authority have the power to make regular inspections of and reports on the accredited bodies? **Yes. The Board has the power under Section 23 of the IRR to revoke accreditation/authorization granted to foreign adoption agencies.** Have secrecy or privacy laws hindered inspections? **No.**
38. Do you require accredited bodies to report on any problems with intercountry adoptions, such as problems with particular countries, procedural problems or problems with implementation of the 1993 Hague Convention (see Convention Art. 33)? **Yes. Common problems and solutions in other countries are discussed during “Global Consultations”. They may report and communicate to the ICAB through [adoption@icab.gov.ph](mailto:adoption@icab.gov.ph)**
39. Does your law have provisions to deal with breach of duties or breach of the conditions of accreditation by accredited bodies? *E.g.*, Suspension or revocation of accreditation or authorisation? Other penalties / measures? Please give details. **Yes. Section 23 of the IRR states the grounds within which revocation of accreditation is given. Section 25 defines procedure for the suspension or revocation of authorization/accreditation of Foreign Adoption Agencies.**  
[http://www.icab.gov.ph/index.php?option=com\\_docman&task=doc\\_view&gid=14&Itemid=30](http://www.icab.gov.ph/index.php?option=com_docman&task=doc_view&gid=14&Itemid=30) **Penalties and measures are defined in Section 16 and 17 of Article IV of Republic Act 8043**  
[http://www.icab.gov.ph/index.php?option=com\\_docman&task=doc\\_view&gid=13&Itemid=30](http://www.icab.gov.ph/index.php?option=com_docman&task=doc_view&gid=13&Itemid=30)
40. If accreditation has been suspended or withdrawn and is later re-instated, what conditions, if any, apply after re-instatement? **NA. No case of suspension or**

**revocation to date.**

41. Is it possible to suspend or withdraw accreditation if the general situation in the State no longer offers the necessary guarantees for intercountry adoptions? **Yes. As the Central Authority on adoptions, the Board may in its capacity as the policy making body and to protect the Filipino child from abuse, exploitation, trafficking and/or sale or any other practice in connection with adoption which is harmful, detrimental or prejudicial to the child may suspend or withdraw accreditation.**  
[http://www.icab.gov.ph/index.php?option=com\\_docman&task=doc\\_view&gid=13&Itemid=30](http://www.icab.gov.ph/index.php?option=com_docman&task=doc_view&gid=13&Itemid=30)
42. Are there restrictions upon activities of accredited bodies (e.g., advertising their services; advertising, including on the internet, of adoptable children; limits on amounts that can be charged for fees and other expenses)? **Yes. This is done through monitoring of webpage materials. As to fees and expenses, dialogue is made with representatives of the receiving states if it is determined that fees are being mis-attributed to the ICAB. However, the issue of fees (as we have been "reminded") are under the receiving countries domain.**
43. Are you aware of any acts or behaviour by accredited bodies that contravened your accreditation criteria? **NA** Please also provide details of any sanctions or penalties applied? **NA**
44. What are the means used by the authorities supervising accredited bodies in order to improve good practices or remedy breaches in relation to requirements for accreditation or as regards to behaviour? **Communication via email, formal follow up if necessary and actual visit to provide technical support. For local bodies ICAB has a program to ensure regional training sessions for Social Workers of child caring agencies and courts to update them on the latest practice.**
45. Is there collaboration among the accredited bodies working in the same State of origin, or in different countries? **Local – Yes. Foreign – NA. We are not aware of any cooperation between foreign accredited bodies** If so, what kind of collaboration? **Coordination and cooperation in terms of child care and capacity to care for the child. Where a Child caring agency does not have the expertise or the space to take on the child another local agency will take on the child. There is in existence an "Association of Child Caring Agencies in the Philippines" (ACCAP) that coordinates and supports its member child caring agencies.**
46. Is the information on each accredited body's website regularly checked by the supervising authority? **Yes. ICAB Planning and Development Unit.** By an authority in the State of origin with which it co-operates? **Yes. By ICAB.**

**F. Financial issues**

47. How are your accredited bodies financed? **Local – By donations; large Child Caring agencies are managed through a board of directors; Foreign – annual dues, donations, fees charged for placement, government funding**
48. How are fees and charges set? *E.g.*, by accredited bodies themselves, by a public authority. **Local Fees are set by Law and the Intercountry Adoption Board. Foreign Fees are controlled by the receiving state.** Is there bilateral co-operation between your State and other countries to establish appropriate fees for

the 2 countries concerned? **No. attempt was made to request regulation to no avail.**

49. Is detailed information about all the fees, charges and costs associated with an intercountry adoption available easily to adoptive candidates and other authorities? **All ICAB fees are posted in the webpage [www.icab.gov.ph](http://www.icab.gov.ph)**
50. How and when is that information provided to adoptive candidates? **Webpage, letters, email upon request for information.**
51. How is financial transparency and accountability of accredited bodies achieved? *E.g.*, by standard bookkeeping? Receipts and proof of purchases? Reports submitted with financial statement? **Submission of Financial Statement upon application or renewal.**
52. Do you allow donations to be paid to children's homes by the accredited bodies or prospective adoptive parents? **Yes. ICAB allows the donation by parents to Child Caring Agencies referred to as the "Child Care Support Fund". Under what conditions? The donation is made when the family has picked-up a child matched to them and the amount is intended to benefit the children left behind.**
53. The costs relating to adoption are extremely difficult to evaluate. Can you state the average amount or range (smallest to highest amount payable) for the following items.

#### **Costs in the receiving State NA**

- a) registration with an accredited body,
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc.
- c) costs for adoption training and preparation courses for prospective adoptive parents
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.)
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin
- f) cost of professional services in the receiving State (*e.g.*, lawyers, notaries, doctors)
- g) other – please specify.

#### **Costs in the State of origin [www.icab.gov.ph](http://www.icab.gov.ph)**

- a) the body's administrative costs - **\$200 application; \$2000 - single child processing fee ; \$3000 - sibling group processing fee (notwithstanding the number of siblings)**
- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.) – **\$300 to \$500 exclusive of additional medical testing and developmental testing, visa medicals and visa fees which vary from state to state.**
- c) co-ordination of the case through (in-country staff of) the accredited body – **Liaison Service not allowed to charge a per-child service fee but are encouraged to partner with the Accredited body for program based activities.**
- d) cost of professional services (lawyers- **NA** interpreters- guides, drivers, etc) in the State of origin, **not aware of rate if any, services usually provided by the Liaison or local embassy connections. Parties are given a free hand whether to use a liaison, presently liaison representation is only about 30% of the total number of annual adoptions. All other cases**

are handled by ICAB at no extra fee or cost for the service.

- e) cost of filing of the documents with the appropriate authorities – **included in administrative costs**
  - f) translation and assistance – **Liaison Service or embassy connections**
  - g) legal or administrative costs in the State of origin, - **NA**
  - h) transport and hotel costs for the adoptive parents, **Price range depends on the bookings made by the PAP's themselves.**
  - i) humanitarian contribution and donation to the orphanage, etc., - **\$1000**
  - j) other – please specify. **NA**
54. What is the relation between adoption fees (and contributions) and actual costs? Is it calculated for the whole budget of the accredited body, or per State, or does each adoption carry its own costs? **Each adoption carries its own cost. Basic fees/costs are stated in answers to question 53 above any additional cost such as additional medical testing etc not required by law is chargeable to the PAP's.** How is the relation between fees and actual costs supervised? **Fees are only adjusted when actual fees increase.**
55. What general comments can you give about costs of intercountry adoption (from the perspective of your own State and in other countries?) **Published rates seen over the net is staggering in some countries when compared with actual costs of adoption.**

#### ***State of origin questions***

56. In the State of origin, who is responsible for the co-ordination of the costs: an accredited body's employee? **No. Coordination of costs is the responsibility of the ICAB** A third-party? **NA** In case of a third-party, how is he selected? **NA** How is he financed? **NA** How is he evaluated? **NA** What mechanisms are in place to ensure that these costs are reasonable and transparent? **Costs are subject to pre-audit and post-audit by government auditing authority.** What are the factors that make these costs vary from one adoptive file to another? **Country visa medical and visa fees; request for additional medical testing for conditions not automatically covered by the local regulation; PAP's choice of residence while in the country to pick up child; geographical location of the child caring agency (additional transportation and food costs)**

#### **G. Operational issues**

57. Which are the tasks carried out by accredited bodies in your State? Tick boxes if applicable. For countries of origin, please specify if your own national accredited bodies or foreign accredited bodies perform the tasks.

#### ***Receiving State questions***

- Determination of eligibility of prospective adoptive parents (legal criteria)
- Evaluation of suitability of prospective adoptive parents (psychosocial criteria)
- Decision granting approval for the prospective adoptive parents to adopt
- Information and preparation of adoptive parents for intercountry adoption
- Make the matching decision
- Counselling of PAPs about child proposed to them (the proposed match)
- Agreements under article 17 of the 1993 Hague Convention
- Arrange to file documents with Court or authority of State of origin
- Report to supervising authority on status of the adoption
- Assist PAPs with Travel preparations
- Follow, know, understand, and supervise the procedure for the adoption

- ❑ Other tasks: please provide details

***State of origin questions – All ticked items are functions of local accredited bodies only***

- / Assessment of the adoptability of a child
- / Work with birth parents on family preservation to avoid adoption of the child
- ❑ Decision on the adoptability of a child
- / Counselling and information for birth parents / consequences of consent
- / Obtaining Consent
- ❑ Search for parents in cases of abandonment **may provide assistance to ICAB upon request of ICAB**
- / Assume responsibility for the child prior to the adoption
- / Prepare the child for adoption
- ❑ Agreements under Article 17 of the 1993 Hague Convention
- ❑ File adoption documents with court or authority
- / Search for socio-biological background information of child and birth family and (reunion with birth family **only when requested by ICAB**)
- ❑ Make the matching decision
- / Preparation of the adoptive child
- ❑ Assistance provided to the adoptive parents during their stay (**may provide support when requested**)
- ❑ Other tasks: please provide details.

**H. Post adoption services and reports**

58. What post adoption services do your accredited bodies offer (*e.g.*, counselling and family support)? **Counselling and family support of family left behind if any.** Is provision of post adoption services one of the conditions of accreditation? **No. but encouraged.**
59. Are there any publicly funded post adoption services? **NA**

***Receiving State questions***

60. Do accredited bodies have to provide regular reports on the child? **Yes for both local and foreign. Foreign - Three Post placement reports are required within a period of six (6) months. Upon assessment that there is a good bond with the PAP's a consent to the adoption is sent as finalization of the adoption is done in the receiving country. Local – Updates on the status of the child cleared for intercountry adoption in their custody.** To whom are the reports sent *e.g.*, Central Authorities of State of origin and of receiving State? **For children cleared for intercountry adoption –ICAB; for other uncleared children – Department of Social Welfare and Administration** Other? **NA**
61. Do your accredited bodies prepare the post adoption report or do they ask the adoptive parents to prepare it and send it to the State of origin? **Foreign accredited bodies are responsible to ensure the preparation and contents of the post adoption report is complete and truthful.** If a public authority is responsible for post adoption reporting, please explain. **Sometimes a function of the Central Authorities/Government Agencies.**
62. How do you monitor the obligation to the State of origin to send post adoption reports? **Law requires 3 reports over a period of six (6) months.**

## J. **Approved (non accredited) bodies and persons**<sup>3</sup>

63. Does your State permit approved (non-accredited) bodies or persons (see Art. 22(2)) to arrange intercountry adoptions. **NA** If not, go to Question 68. If yes,
64. Have you informed the Permanent Bureau of the details of approved (non-accredited) bodies or persons in your State, as required by Article 22(3)? Is the information which is currently on the Hague Conference website up to date? **NA**
65. What are the guidelines by which approval is granted? **NA**
66. What is the process by which approval is granted and renewed? **NA**
67. How is the supervision of approved (non-accredited) bodies or persons carried out in your State (Art. 22(2))? **NA**
68. Has your State made a declaration under Article 22(4) to prohibit the involvement of approved (non-accredited) bodies or persons in intercountry adoptions? **Not aware.**
69. Are you aware of any acts or behaviour by approved (non-accredited) bodies or persons that contravened their conditions of approval? **NA** Please also provide details of any sanctions or penalties applied. **NA**

### *State of origin questions*

70. As a State of origin, do you allow approved (non-accredited) persons or bodies from abroad to “act” in your State (as a similar procedure to authorisation of accredited bodies under Art. 12)? **No.**

## K. **Development aid activities**

71. Are accredited bodies required to or permitted to engage in humanitarian projects or development co-operation activities in countries of origin? **Yes.**
72. What types of activities are undertaken? **Developmental, training, assistance projects**
73. How do you ensure that the humanitarian aid does not influence or jeopardize the integrity of the intercountry adoption process (e.g., by the expectation of a regular “supply” of children in exchange for regular humanitarian or development aid)? **Local accredited bodies are prohibited to match children with foreign accredited bodies who have had or still have existing projects being undertaken together.**

## L. **Co-operation between countries**

74. Have you experienced any difficulties in obtaining assistance or co-operation from other Central Authorities in regard to accredited bodies? **No.**

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<sup>3</sup> The term “non-accredited person” was used in the Explanatory Report of Professor Parra-Aranguren to refer to the person in Art. 22(2). Some countries now employ the term “approved person” when referring to person in Art. 22(2). However, the 2005 Questionnaire responses revealed enormous confusion when the term “approved persons” was used. Consequently, the Guide to Good Practice has followed the usage of the Explanatory Report to try to improve the public’s understanding of the functions of these particular persons. The term “approved (non-accredited) person” is a compromise to retain the precision of the Explanatory Report, but recognises the usage by some countries of the term “approved person”.



75. Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries? **No.**
76. Have you experienced any difficulties with other countries or Central Authorities because you do not use accredited bodies? **No.**
77. Are there any particular aspects of your accreditation procedures *e.g.*, good practices that you would like to bring to the attention of other States? **Central Authorities of receiving countries should control fees charged by their adoption agencies to the PAP's;**
78. Do you have any other comments about any of the topics covered by this Questionnaire? **None.**

***State of origin questions***

79. Have you experienced any pressure from foreign accredited bodies? **Yes. Pressure is created by the number of applications sent. But this is controllable by selective moratorium.**