

## **THE INTER-COUNTRY ADOPTION LAW (RA 8043)**

Republic Act 8043 also known as the Inter-Country Adoption Act of 1995 was enacted to allow aliens to adopt Filipino children if such children cannot be adopted by qualified Filipino citizens.

### **Who May Be Adopted**

Only a child who is below 15 years of age and is voluntarily or involuntarily committed to the DSWD may be adopted under the inter-country adoption law.

For such children to be considered for placement, the following documents must be submitted to the Inter-Country Adoption Board:

1. Child Study to be prepared by the social worker of the DSWD or the accredited placement NGOs
2. Birth Certificate/ Foundling Certificate
3. Deed of voluntary commitment/ decree of abandonment/ death certificate of parents
4. Medical evaluation/history
5. Psychological evaluation by the social worker of the DSWD or accredited placement NGO
6. Recent photo of child

### **Who May Adopt**

The following qualifications are required of an alien of Filipino citizen permanently residing abroad to be eligible to adopt a Filipino child under the inter-country adoption law:

1. At least 27 years of age and at least 16 years older than the child to be adopted at the time of application unless the adopter is the natural parent of the child to be adopted or the spouse of such parent
2. If married, his/ her spouse must jointly file for the adoption
3. Is capable of acting and assuming all rights and responsibilities of parental authority under his national law, has undergone the appropriate counseling from an accredited counselor in his/ her country
4. Has not been convicted of a crime involving moral turpitude
5. Eligible to adopt under his/ her national law
6. Able to provide for the proper care and support and to give the necessary moral values and example to his children, including the child to be adopted
7. Aggress to uphold the basic rights of the child as embodied under Philippine laws, the UN Convention on the Rights of the Child, and to abide by the rules and regulations issued to implement the provisions of this Act
8. Comes from a country with whom the Philippines has diplomatic relations and whose government maintains a similarly authorized and accredited agency and that adoption is allowed under his/ her national laws
9. Possesses all the qualifications and none of the disqualifications provided by applicable Philippine laws

### **Inter-Country Adoption Board**

Under the law, a seven-member Inter-Country Adoption Board was created to act as the central authority in matters relating to inter-country adoption. It serves as a policy-making body in consultation and coordination with the DSWD, various child-care placement agencies, adoptive agencies, and non-government organizations engaged in child and placement activities.

### **Where to Find Applications**

Application for inter-country adoption may be filed in the country of the prospective adoptive parents by coordinating with Philippine-accredited foreign adoption agencies.

### **Form Application**

An application shall be in the form prescribed by the Board which shall include an undertaking under oath, signed by the applicant to uphold the rights of the child under the Philippine laws and the applicant's national laws, the United Nations Convention on the Rights of the Child and to abide by the provisions of the Act and all rules and regulations issued pursuant thereto.

The application shall include an undertaking that should the adoption not be approved, or if for any reason the adoption does not take place, the applicant shall pay for the cost of travel back to the Philippines of the child and his/ her companion, if any.

### **Documentary Requirements**

The application to adopt must be submitted together with the following documents:

1. Birth Certificate of applicant(s)
2. Marriage contract, if married, and divorce decree, if applicable
3. Written consent from their biological or adopted children above ten (10) years of age, in the form of sworn statement
4. Physical, medical, and psychological evaluation by a duly licensed physician and psychologist
5. Income tax returns or any document showing the financial capability of the applicant(s)
6. Police clearance of applicant(s)
7. Character reference from the local church/ minister, the applicant's employer and a member of the immediate community who have known the applicant(s) for at least five (5) years
8. Recent postcard-size pictures of the applicant(s) and his immediate family

### **Pre-adoptive Placement Costs**

The applicant shall bear the following costs incidental to the placement of the child:

1. The cost of bring the child from the Philippines to the residence of the applicant(s) abroad including all travel expenses within the Philippines and abroad
2. The cost of passport, visa, medical examination and psychological evaluation required, and other related expenses