



**ADMINISTRATIVE ORDER NO.** 09  
Series of 2006

**SUBJECT: TERMS OF REFERENCE ON THE RELATIONSHIP OF THE INTER-COUNTRY ADOPTION BOARD (ICAB) AND THE THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD)**

## **I. PURPOSE**

This document was developed for the purpose of defining the roles and functions of the Inter-Country Adoption Board (the Board) as a policy-making and implementing body in matters relating to inter-country adoption as provided under RA 8043 or The Inter-Country Adoption Law. RA 8043 names the Board as an attached agency of the Department of Social Welfare and Development (the Department) and mandates the DSWD to exercise administrative control and supervision over the Board.

## **II. GUIDING PRINCIPLES**

The following principles shall be observed to guide the actions of ICAB:

1. The State shall take measures to ensure that inter-country adoptions are allowed when the same shall prove beneficial to the child's best interests, and shall serve and protect his/her fundamental rights, in order to prevent the sale, trafficking and abduction of children.
2. The policies formulated and developed by the Board should be complementary to international policies on inter-country adoption such as those established in the Hague Convention on Protection of Children and Cooperation in Respect of Inter-country Adoption and also in accordance to Philippine Laws such as RA 8552 or the Domestic Adoption Act of 1998 and other relevant laws.
3. The Board shall maintain the mechanism for collegial consultation with its partner agencies (government agencies, child-care and placement agencies, adoptive agencies and non-government organizations engaged in child-care and placement activities) in order to develop effective policies and efficient services.

### III. INSTITUTIONAL ARRANGEMENTS

1. An Undersecretary of the Department designated by the Chair of the ICAB, who is the DSWD Secretary as alternate chair of the Board shall exercise administrative control and supervision over the Board's functions and Secretariat.
2. The Executive Director of the ICAB Secretariat shall be a member of the DSWD's National Management Development Conference (NMDC) and Management Committee (MANCOM). These are the venues wherein ICAB's accomplishments shall be presented and issues and concerns that are not resolved at the Board level shall be resolved.
3. All policies approved by the Board shall be relayed to all DSWD field offices of the Department and child-care and placement agencies/organizations and other partner agencies as appropriate. This will be done thru the Office of the Undersecretary who sits as the Chairperson of the Board.
4. The ICAB shall provide technical assistance on developed requirements/processes of endorsing children for inter-country adoption to DSWD field offices and child-care and placement agencies/organizations involved in inter-country adoption.
5. The Social Welfare and Institutional Development Bureau (SWIDB) shall provide technical assistance to the ICAB Secretariat on the conduct of training activities for social workers and other personnel of DSWD field offices, Local Government Units (LGUs), Courts and Non-government Organizations (NGOs).
6. The accreditation function of the Board for local child-care and placement agencies/organizations involved in inter-country adoption shall be undertaken by the Department, specifically the Standards Bureau (SB) which shall ensure accreditation of local child-care and placement agencies/organizations within one (1) year from the date of issuance of license.

Local child-care and placement agencies operating in one region shall be registered and licensed by the DSWD field office where the agency is located, but its accreditation shall be undertaken by the SB. Meanwhile, local child-care and placement agencies operating in more than one (1) region shall be registered, licensed and accredited by SB as provided under DSWD Administrative Order No. 6 "*Omnibus Guidelines on the Registration and Licensing of Social Welfare and*

*Development Agencies and Accreditation of Social Welfare and Development Programs and Services."*

7. Complaints against local child-care and placement agencies/organizations shall be received by the ICAB or concerned DSWD field office where the agency's principal place of business is located or where the reported act has been committed. In case the ICAB receives the complaint, it shall refer the said complaint to the concerned field office. Complaints shall be heard and proceedings for suspension or revocation of accreditation of local child-care and placement agencies/organizations shall be carried out by the Field Office Review Committee, and the Central Office Review Committee for appeal cases based on the provisions under Title V "*Handling of Complaints and Information on Social Welfare and Development Agencies*" and Title VI "*Suspension and Revocation of License*" of the DSWD AO No.6.
8. Foreign Adoption Agencies (FAAs) from both Contracting and Non-Contracting States shall be accredited by the ICAB. The requirements and process of accreditation for FAAs are based on Article VI Sections 18 to 22 of the Implementing Rules and Regulations (IRR) of RA 8043.
9. Complaints or any information regarding any violation or irregularity by the FAAs shall be received by the ICAB. Complaints shall be heard and proceedings for suspension or revocation of accreditation of FAAs shall be carried out by the Board. Within fifteen (15) working days from the receipt of notice, the concerned FAA is required to answer. Failure to answer within the required period shall be considered grounds for summary suspension or revocation of the accreditation.

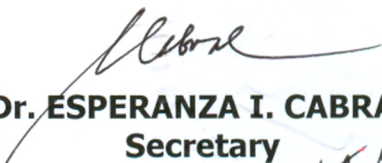
#### **IV. COMPOSITION AND RESPONSIBILITIES**

1. The Composition and Functions of the Board are based on Article II, Section 5 "*Composition of the Board*" and Section 6. "*Powers and Functions of the Board*" of RA 8043.
2. The Composition and Functions of the Inter-Country Adoption Placement Committee (ICPC) are based on Article V, Section 12. "*Composition*" and Section 13. "*Function of the Committee*" of the Amended IRR of RA 8043.
3. The Composition and Functions of the Secretariat of the Board are based on Article IV "*Secretariat*" Sections 7 to 11 of the Amended IRR of RA 8043.

**V. EFFECTIVITY**

This Administrative Order shall take effect immediately and revokes previous orders inconsistent thereto.

Issued this 18<sup>th</sup> day of Dec 2006 at Quezon City.

  
**Dr. ESPERANZA I. CABRAL**  
**Secretary**  
