

Memorandum Circular No. 05
Series of 2016

**CHILDREN FOR ADOPTION WHOSE FAMILIES ARE BENEFICIARIES
OF PANTAWID PAMILYANG PILIPINO PROGRAM**

I. RATIONALE

Recently, the Department has been receiving cases of children being surrendered for adoption whose biological families are beneficiaries/recipients of the Pantawid Pamilya. Since the effectivity of Republic Act No. 9523 or the Issuance of *DSWD Certification Declaring a Child Legally Available for Adoption (CDCLAA)* in 2009 up to April 2015, there have been 1.5% or 69 cases of children that belong to Pantawid Pamilya families. Some of these children were surrendered for adoption due to severe poverty.

The principle that no child should be deprived of care by his/her biological parents because of poverty is carried in the Pantawid Pamilyang Pilipino Program of the Department, pursuant to Administrative Order No. 16, series of 2008, through the Family Development Sessions (FDS), which aims to strengthen the family while undergoing the course towards self-reliance. Pantawid Pamilyang Pilipino Program is one of the government's human development programs that aim to contribute to poverty reduction. The Pantawid Pamilya provides cash grants to beneficiaries provided that they comply with the set of conditions required by the program for education, health and family development. These conditions would show that the families are helped to improve their well-being while strengthening solidarity among them and with that, the chances for achieving self-sufficiency would be higher.

On the other hand, the Alternative Family Care and Placement program of the Department, thru the enactment of R.A. 8552 or the Domestic Adoption Act and R.A. 10165 or the Foster Care Act is considered as the last resort when efforts to prevent separation from his or her biological family prove insufficient or are not serving the best interest of the child, especially when the child's parents are unable to fulfil their duties and responsibilities to him or her and no appropriate placement within the child's extended family is available.

With the number of cases received by the Department on children being relinquished for adoption whose families are beneficiaries of the Pantawid Pamilya, this memorandum is hereby issued towards operational strengthening and to institutionalize appropriate measures in ascertaining whether or not alternative family care and placement would serve the child's best interest and welfare, rather than to be with their biological family.

II. MANDATES AND LEGAL BASES

The State values the dignity of every person and guarantees respect for the individual rights including that of children. Towards this end, it shall give highest priority and importance to the enactment of measures that will ensure the rights and welfare of children for their full and healthy development and well-being (Article 2, Sec. 11, 1987 Philippine Constitution). The State also recognizes the family, being the foundation of the nation, as enshrined and guaranteed in the following international instruments, local laws and regulations:

A. International Instrument

1. Article 9, United Nations Convention on the Rights of the Child, adopted by the UN General Assembly on November 20, 1989 and ratified by the Philippine Government on July 26, 1990 and took effect on September 2, 1990, which states that:

Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

2. United Nations Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption nationally and internationally, adopted by the UN General Assembly on December 3, 1986:

Article 3. The first priority for a child is to be cared for by his or her own parents; and

Article 4. When care by the child's own parents is unavailable or inappropriate, care by relatives of the child's parents, by another substitute - foster or adoptive - family or, if necessary, by an appropriate institution should be considered.

B. National Policies

1. Executive Order No. 209, as Amended by E.O. No. 227, or the "The Family Code of the Philippines";

Article 149. The family, being the foundation of the nation, is a basic social institution which public policy cherishes and protects. Consequently, family relations are governed by law and no custom, practice or agreement destructive of the family shall be recognized or given effect.

2. Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code";

Article 8. Child's Welfare Paramount – In all questions regarding the care, custody, education and property of the child; his welfare shall be the paramount consideration.

3. Republic Act No. 8552 or "Domestic Adoption Act of 1998";

Section 2 – It is hereby declared the policy of the State to ensure that every child remains under the care and custody of his/her parent/s and be provided with love, care, understanding and security towards the full and harmonious development of his/her personality.

4. Administrative Order No. 16, series of 2008, or the "Pantawid Pamilyang Pilipino Program (4Ps)"

The main goal of the Pantawid Pamilyang Pilipino Program is to break the inter-generational cycle of poverty by fostering change in behavior among parents to invest in their children's (and their own) future (health, nutrition, education) because low schooling and high malnutrition rate are strongly associated with poverty cycle in the Philippines.

III. POLICY ISSUE

It has come to the attention of the Department that a significant number of children whose families are beneficiaries of the Pantawid Program were relinquished for adoption. This is contrary to the provisions of PD No. 603 or the Child and Youth Welfare Code of the Philippines that no child should be deprived of care by his/her biological parents because of poverty, and to the principle that is carried in the Pantawid Pamilyang Pilipino Program of the Department through the Family Development Sessions (FDS), which aims to strengthen the family while undergoing the course towards self-reliance.

Why should the parent/s relinquish a child/ren for adoption for reason of poverty or parental inadequacy when they are being helped through Pantawid Pamilya to be self-reliant and to be competent in performing their duties and obligations to their child/ren?

Thus, the key players of the Department (the City/Municipal Link and Adoption Resource and Referral Section of the Field Office) should exert every effort possible to help parents assume or restore their parental responsibilities and prevent unnecessary separation of the child from his or her parents.

IV. BRIEF SITUATIONER

Since the effectivity of RA 9523 in 2009 up to April 2015, there have been 1.5% or 69 cases of children that belong to Pantawid Pamilya families out of the total of 4,487 cases received by the Department for issuance of DSWD Certification Declaring a Child Legally Available for Adoption (CDCLAA). These 69 cases were voluntarily surrendered by their biological parent/s for adoption, where 46 are independently entrusted to families (direct placement), 3 are foster-adopt, 1 relative adoption and 19 are regular adoption.

Below is the status of the 69 cases of children of families who are Pantawid beneficiaries as of April 2015:

Update/Status	Number of Cases
<i>Already adopted thru intercountry</i>	3
<i>With Adoption Decree</i>	2 55
<i>Issued with CDCLAA and ACA/adoption filed in court</i>	50
Cases were put on hold for re-assessment by FOs	9
CDCLAA not required as the case is within the 4 th degree of consanguinity	1
Reunited with biological families after conduct of re-assessment	2
Cases from FO not yet filed in the CO	2
Total	69

With the first three items cited above, the 55 cases that were issued with CDCLAA were found to have justifiable reasons/causes of giving up the children for adoption such as the following:

Either one or both parents were sickly, had mental illness/es, had an accident or deceased	10
Child was either illegitimate or born out of illicit affair; Parents were separated and each one has another family/solo parent	12
Re-assessed; The Parenting Capability Assessment (PCA) of either of the parent or both parents resulted to negative	3
Child was relinquished for Adoption before the family became a Pantawid beneficiary; Child has established attachment with PAPs	15
Extreme poverty with no support from the relatives (family has 5 children and up and with very unstable source of income, street families, among others)	7
Child was born out of incest/rape/sexual abuse	5
Parents were delisted from the roster of Pantawid beneficiaries, as they did not comply with the conditionalities. Relinquishment of children for adoption occurred after the family was delisted.	2
Child was trafficked by own biological parent (Jalajala case)	1
Total	55

On the other hand, the 9 cases that were put on hold for issuance of CDCLAA were wanting of a careful assessment by the DSWD-Field Offices I, II, VI and NCR, as the families of said children are still beneficiaries of the Pantawid Pamilya and yet gave up their children for adoption. The case study reports did not show any intervention on the part of the family to prevent them from surrendering the child for adoption and no circumstances were shown proving the necessity of relinquishment of parental rights. Hence, Special Operations Office advised the FOs for the conduct of case conference and thorough parenting capability assessment.

V. OBJECTIVES

This memorandum aims to institutionalize and operationalize the strengthening of the two programs of the Department and to be able to:

- 1) Guide the implementers in determining cases that will be considered eligible for alternative care and placement of children whose families are beneficiaries of the Pantawid program;
- 2) Improve and harmonize the policies and structures of the Department, particularly on the management of cases of children who belong to families that are beneficiaries of Pantawid Pamilya in order to fulfil the intent of the laws, promote and protect the rights of the children and their family as well and realize these with the purpose of Pantawid Pamilya in mind, that is to reduce poverty, make the families self-reliant and fulfil their obligation to their children for care and sustenance, guidance and protection; and
- 3) Establish a unified mechanism both for the City/Municipal level through the City/Municipal Links and the DSWD key players i.e. the Adoption Resource and Referral Section (ARRS), both in Central Office and Field Office and the Regional Program Management Office of the Pantawid Pamilya, on their roles in terms of case management, focusing on the strengthening of responsibilities and capacity of parents to ensure the protection of Pantawid Pamilya children and the family.

VI. IMPRESSION AND ANALYSIS

The Pantawid Pamilyang Pilipino Program aims to contribute to poverty reduction thru provision of cash grants to beneficiaries, provided that they comply with the set of conditions required by the program where one of which, is for "Family Development". This condition shows that the families are helped to improve their well-being while strengthening solidarity among them and with that, the chances for achieving self-sufficiency would be higher. Hence, families who are beneficiaries of the Pantawid Program that relinquish child/ren for adoption for the sole reason of poverty should consider thorough assessment, as it refutes the very purpose of the program.

While the number of cases (i.e, 1.5%) that are surrendered for adoption by their families who are beneficiaries of the Pantawid Pamilyang Pilipino Program seem to be negligible, the said information still shows that there is a cause for alarm for these cases, being Pantawid beneficiaries. These families are helped by the Department through services in order to improve their socio-economic status including their parenting skills. These families have been in poverty that made them eligible for Pantawid Program, but the fact that they decided to relinquish their children for adoption during inclusion in the Pantawid Program seem to contradict the very purpose of being in the Pantawid Program. Was it because the parents involved came to know of proper procedures for adoption that they decided to relinquish parental authority over their children? On the other hand, what services or interventions have these parents engaged themselves in to improve their knowledge, attitude and skills as parents? The family should have received or provided with all the support through appropriate programs and services and interventions towards self-sufficiency and self-reliance in a convergent manner so that the parents would be able to reconsider their decision in surrendering their children for adoption.

VII. POLICY DIRECTION

To effectively deliver the programs and services of the Department, particularly the Alternative Family Care and the Pantawid Pamilyang Pilipino, all Field Offices, implementers and service providers should be guided as follows:

1. The children of Pantawid Pamilyang Pilipino Program beneficiaries could be allowed for adoption in the following circumstances:
 - a. The birth family has dysfunctional relationship that may be caused by marital problem (separated and either one or both parent/s has/have another family), poor health (e.g., chronic illness with lengthy/costly treatment), incapacity of parent/s to perform parental duties and obligations due to death, or mental and psychological incapacity among others, that may render the family, particularly the parents to be incapacitated to care for, support or protect the child;
 - b. Children were born out of illicit affair, incestuous rape or sexual abuse where child could be stigmatized or further abused if she/he would remain in the custody of the parents/family and protection of the child is not guaranteed;
 - c. Children who are physically and/or mentally abused, neglected or trafficked by their own biological family; and
 - d. Other similar situation or circumstances cited in letters a to c.
2. For the Field Office and offices concerned at the Central Office of the Department to assess carefully and thoroughly, all children of Pantawid families being relinquished for adoption. Case conference should be convened immediately for these cases. A case manager shall be assigned to ensure thorough case management. Only after thorough and careful assessment and series of case conferences can relinquishment of children of Pantawid beneficiaries may be considered.
3. Families or parents should be thoroughly assessed and provided counseling prior to the signing of Deed of Voluntary Commitment to relinquish their parental obligation and authority over the children. Intensive interventions such as active involvement/participation to Family Development Sessions, counseling to parents and inclusion to Sustainable Livelihood Program shall be done to improve economic condition.
4. For those cases of parents who are Pantawid beneficiary and surrendered a child for adoption not only once, the case shall be reported immediately to the attention of the Municipal Grievance Committee of the Pantawid Program for appropriate action.

The committee shall initiate the conduct of assessment and case conference. The focus of the case conference should be on helping the family arrive at a sound decision for the best interest of the child and in helping the family pursue goals of self-reliance and self-sufficiency. The committee may engage persons whose participation to the case conference is necessary.

5. Operationalize a "Team-Approach" in the conduct of case management among the City/Municipal Links, Regional Program Management Office (RPMO), Adoption

Resource and Referral Section (ARRS) and other appropriate units of the Field Office for cases needing a case conference, parenting capability assessment of Pantawid families who surrendered a child for adoption, as well as the provision of other support services to the family to prevent the parent/parents in surrendering a child/ren for adoption.

6. Intensive social case management is advised using the Social Welfare and Development Indicator (SWDI) as one of the basis in assessing the parents' capability and children's eligibility for adoption, ensuring that all services were provided/extended to the family to improve their condition.
7. The Protective Services Bureau and FO-Adoption Resource and Resource Section shall provide the Pantawid National Program Management Office (NPMO) every quarter, list of children relinquished for adoption with the name of family member who is a Pantawid beneficiary. On the other hand, the Pantawid NPMO and RPMO, in coordination with the Protective Services Bureau shall include in their database, information on beneficiaries that have relinquished children for adoption and prioritize them for close and regular monitoring and intervention.
8. A caseload inventory of all Pantawid beneficiaries, which shall be maintained by the NPMO should be available to identify and prioritize assessment of families at risk for intensive case management and in need of other intervention and support, such as children in need of alternative placement.
9. The Field Office should assess and provide families with psychosocial support, as these families may be grieving due to the "loss" of a child (i.e., the child relinquished for adoption). Support is towards recovery, capability building and preventing them from surrendering other children for adoption in the future.
10. For the NPMO/RPMO to integrate topics on alternative family care program and services in the module/session plan on Family Development Sessions (FDS) of the Pantawid program that are regularly conducted by the City/Municipal Links to increase the awareness of the families on the protection of children, responsible parenthood, and on the implications of relinquishing parental authority and placing children for adoption.

VIII. EFFECTIVITY

This Memorandum Circular shall take effect immediately.

Issued in Quezon City this 13th day of May, 2016.

Certified Copy:


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