



Memorandum Circular

No. **07**

Series of 2025

SUBJECT: GUIDELINES ON THE IMPLEMENTATION OF ADOPTION AND ALTERNATIVE CHILD CARE PROGRAMS IN ALL PUBLIC AND PRIVATE RESIDENTIAL-BASED SOCIAL WORK AGENCIES (SWAs) CATERING TO CHILDREN

I. RATIONALE

The Philippines, as a signatory to the Convention on the Rights of the Child, recognizes the paramount importance of ensuring the best interests of every child, regardless of gender, in all matters relating to them. This includes their right to live in a safe and nurturing environment, free from exploitation and abuse.

In accordance with the policy of the State, as declared in Republic Act 11642, otherwise known as the "Domestic Administrative Adoption and Alternative Child Care Act", the best interest of the child shall be the paramount consideration in the enactment of alternative care, custody, and adoption policies. In view of this, the State shall 1) ensure that a child without parental care, or at risk of losing it, is provided with alternative care options such as adoption and foster care; (2) establish alternative care standards to ensure that the quality of life and living conditions set are conducive to the child's development; and (3) ensure that sufficient capacity exists within government and private sector agencies to handle adoption inquiries, process domestic adoption petitions, and offer adoption-related services, including pre-adoption and post-adoption services, for the biological parents, children, and adoptive parents.

As of December 2024, the Department of Social Welfare and Development (DSWD) has 675 registered, licensed, and/or accredited residential-based Social Work Agency (SWA) catering to children. On the other hand, the Monitoring report of the National Authority for Child Care (NACC) for the 4th Quarter of CY 2024 revealed that only 195 residential-based SWAs implement adoption and alternative child care. Further, only 1,075 children were assessed eligible for adoption out of the total 7,236 housed in the 195 residential care facilities for children.

After a series of consultations with partner stakeholders, especially those residential care facilities catering to children, the DSWD in collaboration with the NACC, developed these guidelines to strengthen the adoption and alternative child care system, ensuring that all children — while recognizing the unique needs and vulnerabilities — are provided with appropriate placements and reintegration mechanisms.

II. LEGAL BASES

These guidelines are hereby promulgated in accordance with the following:

1. DSWD Memorandum Circular No. 32, series of 2024 entitled Operational Guidelines for Managing the Movement of Cases of Children to Promote Deinstitutionalization in Residential Care Facilities and Child-Caring Agencies;
2. DSWD Memorandum Circular No. 18, series of 2024 entitled Omnibus Guidelines on the Regulation of Social Welfare and Development Agencies (SWDAs) and their Social Welfare and Development (SWD) Programs and Services;
3. NACC Memorandum Circular No. 3, series of 2024 entitled Guidelines on the Certification of Adoption and Alternative Child Care Programs and Services in all Public and Private Social Work Agencies (SWAs);
4. NACC Memorandum Circular No. 1, series of 2024 entitled Amendments to Memorandum Circular No. 1, series of 2023; Part II, Chapter I, Letter C. Foster Care;
5. Republic Act No. 11767 otherwise known as “Foundling Recognition and Protection Act”;
6. Republic Act No. 11642 otherwise known as “Domestic Administrative Adoption and Alternative Child Care Act”;
7. Republic Act No. 10165 also known as the “Foster Care Act of 2012”;
8. Executive Order No. 221, series of 2003 Amending Executive Order No. 15 Series of 1998, entitled “Redirecting the Functions and Operations of the Department of Social Welfare and Development”;
9. DSWD Memorandum Circular No. 22, series of 2004 entitled Policy Paper on the Deinstitutionalization of Children;
10. Republic Act No. 7610 also known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act;

11. Section 17, Chapter II of Republic Act No. 7160 also known as the Local Government Code of the Philippines; and
12. Presidential Decree No. 603 also known as the Child and Youth Welfare Code

III. OBJECTIVES

These guidelines shall provide guidance for public and private residential-based SWAs catering to children in the implementation of adoption and alternative child care programs in their respective facilities.

IV. COVERAGE

These guidelines shall cover all public and private residential-based SWAs catering to children without existing adoption and alternative child care programs.

V. DEFINITION OF TERMS

1. **Accreditation** - refers to the process of assessing a SWA if their SWD programs and services are compliant with the DSWD standards.
2. **Adoption** - refers to the socio-legal process of providing a permanent family to a child whose parents had voluntarily or involuntarily given up their parental rights, permanently transferring all rights and responsibilities, along with filiation, making the child a legitimate child of the adoptive parents: *Provided*, that adult adoption shall be covered by the benefits of Republic Act No. 11642.

In the interest of clarity, the adoption shall cease to be part of alternative child care and shall become parental care as soon as the process is completed.

3. **Alternative child care** - refers to the provision of planned substitute parental care by a child-caring or child-placing agency to a child who is orphaned, abandoned, neglected, or surrendered. This may include foster care, kinship care, family-like care, and residential care. Alternative child care will also be provided to abused and exploited children, children with disabilities, children living with HIV/AIDS, victims of trafficking, physical, psychological and sexual abuse, offline and online sexual exploitation, children at risk, children in conflict with the law and children in situations of emergency or crisis and armed conflicts.

4. **Area-Based Standards Network (ABSNet)** - refers to an organization of DSWD registered/licensed/accredited SWDAs that assist the DSWD in the implementation and monitoring of SWD programs and services, provision of technical assistance and conduct of advocacy activities.
5. **Best Interest of Child** - refers to the totality of the circumstances and conditions which are most congenial to the survival, protection, and feelings of security of the child and most encouraging to the child's physical, psychological, and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.
6. **Child-caring Agency (CCA)** - refers to a duly licensed and accredited agency by the DSWD that provides twenty-four (24)-hour residential care services for abandoned, orphaned, neglected, or voluntarily and involuntarily committed children and other children in need of alternative child care.
7. **Child** - This refers to a person below eighteen (18) years of age or a person eighteen (18) years of age or over but who is unable to fully take care or protect himself or herself from abuse, neglect, cruelty, exploitation, or discrimination because of physical or psychosocial disability or condition.
8. **Child-placing Agency (CPA)** - refers to a private non-profit or charitable or government agency duly licensed and accredited agency by the DSWD to provide comprehensive child welfare services including receiving and processing petitions, for adoption and foster care, evaluating the prospective adoptive parents (PAPs) or foster parents, preparing the child case study report and home study report and provide post-placement services. The Local Social Welfare and Development Office (LSWDO) and accredited NGOs and Faith-Based Organizations (FBOs) are considered child-placing agencies.
9. **Licensing** - refers to the process of assessing the qualifications of a private agency or organization and authorizing it to operate as a SWDA, after determining that it has the capacity to operate administratively, technically, and financially.
10. **Permanency Planning** - refers to the systematic process of carrying out, within a limited period, a set of goal-directed activities designed to help children in alternative child care to be placed in permanent families while ensuring the continuity of the holistic development of the child.
11. **Private SWA** - refers to a non-stock, non-profit non-government organization duly established and/or recognized under the Philippine laws performing SWD activities.

12. **Public SWA** - refers to an organization managed by the National Government Agencies or Local Government Units.
13. **Registration** - refers to the process of assessing the applicant agency and determining whether its intended purpose is within the purview of SWD.
14. **Residential-Based** - refers to an alternative form of family care providing 24-hour group living on a temporary basis to poor, vulnerable, disadvantaged, and/or in crisis individuals and families whose basic needs cannot be met by their families and/or relatives or by any other form of alternative family care for a period of time.
15. **Social Work Agency (SWA)** - refers to an entity, corporation or organization, private or governmental, that engages mainly and generally, or represents itself to engage in social welfare work, whether case work, group work, or community work, and obtains its finances, either totally or in part, from any agency or instrumentality of the government and/or from the community by direct or indirect solicitations and/or fund drives, and/or private endowment.
16. **Substitute Parental Authority** - refers to the mass of rights and obligations, which specific individual under Article 216 of the Family Code have in relation to the person of the child. It takes into effect ipso facto and without need of judicial declaration, in case of death, absence, or unsuitability of parents. The person exercising substitute parental authority shall have the same authority over the person of the child as the parents. It excludes making decisions relating to the child's status, as well as other acts specifically assigned by law to certain individuals, such as legal guardians.

VI. GENERAL POLICIES

1. It is hereby declared the policy of the State to ensure that every child remains under the care and custody of the parents and be provided with love, care, understanding, and security toward the full and harmonious development of the child's personality. Only when such efforts prove insufficient, and no appropriate placement or adoption within the child's extended family is available shall adoption by an unrelated person be considered.

The best interest of the child shall be the paramount consideration in the enactment of alternative care, custody, and adoption policies. It shall be in accordance with the tenets set forth in all the rights of the child enumerated under Article 3 of Presidential Decree No. 603, otherwise known as the "Child and Youth Welfare Code"; the "United Nations Convention on the Rights of the Child"; the "United Nations Guidelines on Alternative Care of Children"; the "United Nations Declaration on Social

and Legal Principles Relating to the Protection and Welfare of Children with Special Internationally'; and the "Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption".¹

2. Adoption and alternative childcare programs must be made available in all public and private residential-based SWAs catering to children, designed to address specific needs and vulnerabilities of children, and ensuring that the said programs are readily available in the said SWAs if these children become eligible for adoption and alternative child care. As such, case workers shall formulate and utilize a permanency plan that will ensure the best interest of the child whether through reunification or adoption, for each child will be achieved in the earliest possible time. Acknowledging that the best placement is in a family set-up.
3. The identified public and private SWAs without existing adoption and alternative child care program/s based on the database of the Standards Bureau (SB) database shall be provided with technical assistance from the SB and NACC, ensuring access to quality services for all children, regardless of their sexual orientation, gender identity, gender expression, or disability.
4. These identified public and private SWAs shall be given ten (10) months from the effectivity date of these guidelines to comply with the requirements and said programs shall subsequently be assessed for accreditation. Private SWAs shall apply for an amendment of their Certificate of Registration and License to Operate (CRLTO) to include their adoption and alternative child care programs.
5. Actual case management and implementing procedures of the domestic administrative adoption, intercountry adoption, and alternative child care program/s shall adhere to Memorandum Circular No. 32, series of 2024², Memorandum Circular No. 1, series of 2023³, and other NACC guidelines and policy issuances.

VII. IMPLEMENTING PROCEDURES

A. Preparatory Phase

All registered, licensed and/or accredited private and public SWAs, with no existing adoption and alternative child care program shall be given a

¹ Declaration of Policy, R.A. No. 11642

² Operational Guidelines for Managing the Movement of Cases of Children to Promote Deinstitutionalization in Residential Care Facilities and Child-Caring Agencies. (DSWD, October 22, 2024)

³ Omnibus Guidelines on the Implementation of Domestic Administrative Adoption, Intercountry Adoption, and Alternative Child Care (NACC, June 7, 2023)

preparatory period of ten (10) months from the effectivity of these guidelines. Said period shall be an aggregate of three (3) phases to give SWAs ample time to establish an alternative child care program in their respective agencies and comply with the NACC's Certification of Adoption and Alternative Child Care Programs and Services (CAACCPS), as well as the DSWD accreditation requirements, *to wit*:

1. Phase 1: First to Sixth Month of Implementation

- Public and private residential-based SWAs catering to children shall be given six (6) months for orientation on Adoption and Foster Care-related laws and NACC's procedures and processes.

Note: During the six-month orientation period, SWAs may begin to facilitate the completion of requirements for both the NACC's CAACCPS and the DSWD accreditation of its adoption and alternative child care programs following the provisions under the DSWD Memorandum Circular No. 18 series of 2024 and NACC Memorandum Circular No. 3, series of 2024.

2. Phase 2: Seventh to Eight Month of Implementation

- Public and private residential-based SWAs catering to children shall be given two (2) months to finalize the submission of all requirements and documents for NACC CAACCPS and DSWD accreditation on the adoption and alternative child care programs.
- The two-month period of submission of documents shall commence and apply only to documentary requirements within the control of the SWAs. These documents are those documents that will originate from or initiated by the SWAs, based on the list of requirements on the existing guidelines during the time of application for registration, licensing, and/or accreditation. If the documents required are from other government agencies such as approval from the Securities and Exchange Commission (SEC), etc. SWAs will be given additional time to submit said documents based on the processing period of the concerned government agency.
- Public and private residential-based SWAs catering to children shall have both Adoption and Alternative Child Care programs and apply simultaneously for the accreditation of both programs.

3. Phase 3: Ninth to Tenth Month of Implementation

- The DSWD and NACC shall have two (2) months to process the application for accreditation given the shorter and more facilitative accreditation requirements and processes. The DSWD accreditation requirements, fees, and processes shall be in accordance with the Memorandum Circular No. 18, series of 2024.
- In the event that the SWA fails to apply for accreditation within the given timeline, action planning will be done together with the SWA and be subjected to the monitoring provisions as referred to in Memorandum Circular No. 18, series of 2024.

Note: During the ninth (9th) to tenth (10th) month, DSWD and NACC will conduct a mentoring or handholding technical assistance program for SWAs in the operationalization of the newly established program/s.

B. One (1) Year Implementation Period

- The SWAs shall be given a one-year trial period to operate on their own under the supervision of NACC and DSWD. The trial period of SWAs shall be without penalty.
- After the supervised trial period, the penal provisions of applicable DSWD regulatory guidelines shall be fully implemented and SWAs will be subjected to penalty if found non-compliant. Further, the monitoring provisions under Memorandum Circular No. 18, series of 2024 shall prevail.

VIII. INSTITUTIONAL ARRANGEMENTS

A. Area-Based Standards Network (ABSNet) and Association of Child Caring Agencies of the Philippines (ACCAP)

1. ACCAP and ABSNet with its member agencies with established adoption and alternative child care programs in their facilities, shall provide and share experiences in implementing adoption and alternative child care programs to its member; and
2. Assist the members in complying with the requirements for the inclusion of the accreditation of adoption and other alternative child care programs.

B. National Authority for Child Care (NACC)

NACC shall provide technical assistance and monitoring to ensure the following:

1. The smooth implementation of adoption and alternative child care programs and services;
2. The requirements to facilitate adoption and alternative child care are easily accessed by the SWAs, as may be required;
3. Recommend policy reform on the financial costs of adoption and foster care, including legal fees, medical expenses, and ongoing support, which can be a significant barrier to many families willing to be adoptive and/or foster care families;
4. Recommend policy reforms or initiatives to address the discrimination against children with disabilities. Children with disabilities are often less likely to be adopted due to misconceptions and fears about their needs and potential for reintegration;
5. Develop post-adoption support that can be implemented by SWAs. Support services for adoptive families after adoption are often inadequate, leading to challenges in adjusting to a new family dynamic;
6. Raising awareness and promoting adoption and foster care through public education campaigns and community outreach initiatives can increase awareness and encourage families to consider adoption and foster care;
7. Strengthen the system by investing in resources, training social workers and house parents, streamlining processes, and providing sufficient post-adoption support; and
8. Update and maintain a comprehensive list of NACC-Certified and Accredited SWAs implementing adoption and alternative child care programs and services.

C. Standards Bureau (SB)

1. SB shall assess and maintain a list of registered, licensed, and/or accredited residential-based facilities catering to children, to evaluate if they have an existing adoption and alternative child care program/s;

2. SB shall make available opportunities for transitioning SWAs to secure donor/funding through registered and licensed auxiliary SWDAs or other funding partners; and
3. SB shall implement robust safeguards and monitoring mechanisms to ensure SWAs' compliance, prioritizing the safety and well-being of children.

IX. EFFECTIVITY

This Circular shall take effect after fifteen (15) days from the date of publication in the Official Gazette or in a newspaper of general circulation.

These guidelines shall also be published at the DSWD official website and certified true copy hereof shall be deposited with the University of the Philippines Law Center.

Issued in Quezon City, Metro Manila.


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Secretary
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Certified True Copy


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