BILATERAL

WORKING ARRANGEMENT BETWEEN THE PHILIPPINE MINISTRY OF SOCIAL SERVICES AND DEVELOPMENT AND THE AUSTRALIAN STATES AND TERRITORIES ADOPTION AUTHORITIES ON INTER-COUNTRY ADOPTION

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WORKING ARRANGEMENT BETWEEN THE STATE AND TERRITORY ADOPTION AUTHORITIES OF AUSTRALIA AND THE PHILIPPINE MINISTRY OF SOCIAL SERVICE AND DEVELOPMENT TO FACILITATE THE ADOPTION OF CHILDREN FROM THE PHILIPPINES BY AUSTRALIAN APPLICANTS WHO HAVE BEEN APPROVED FOR THE PURPOSE.

The Australian State and Territory adoption authorities who are signatories to this Working Arrangement and the Philippine Ministry of Social Services and Development represented by Mrs. Sylvia P. Montes, Deputy Minister and Officer in Charge hereby record their mutual intention to arrange any inter-country adoptions between Australia and the Philippines in accordance with the following principles and under the following conditions, and with regard to the requirements of the Australian Immigration Authorities set out in paragraph 4 of the Australian Ambassador's note to which this Working Arrangement is annexed.

1.

PRINCIPLES

1.1

The Declaration of the Rights of the Child approved by the United Nations General Assembly, November 20, 1959, will provide the basic principles on which adoptions will be arranged.

1.2

The welfare and interests of the child will be the paramount consideration.

1.3

Inter-country will be considered appropriate only when, in the opinion of the Philippine Ministry of Social Services and Development, adoption by persons in another country is the most appropriate choice of care for the child.

1.4

The adoption authorities in both countries will jointly approve of prospective adopting parents and the selection of particular adoptive parents for a particular child.

1.5

All communications between countries relating to intercountry adoptions will be between the Philippine Ministry of Social services and Development and the adoption authority of the State or Territory which forwards

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applications on behalf of the proposed adopters.

2.

RESPONSIBILITIES OF THE AUSTRALIAN STATE AND TERRITORY ADOPTION AUTHORITIES

The Australian State and Territory Adoption Authorities will be responsible for the following :

2.1

The assessment, and approval or rejection, of prospective adopters in accordance with sound adoption practice and subject to the law of the State or Territory;

2.2

The preparation of Family study reports (for outline see ATTACHMENT 1) on approved prospective adopters;

2.3

The transmission of Family study reports, photographs, and all other required documents (for list, see ATTACHMENT 2) to the Philippine Ministry of Social Services and Development.

2.4

After entry of child into Australia, the forwarding of quarterly progress reports on that child at least every three months until an Order of Adoption is made, pursuant to the laws of the appropriate Australian State or Territory;

2.5

Where a child is placed in the care of prospective adoptive parents in accordance with this arrangement, the Australian State or Territory adoption authorities, will, subject to the general principles of this arrangement, take all reasonable steps to obtain an Order of Adoption of the Child, according to the laws of the appropriate State or Territory in favour of the prospective adoptive parents once it is satisfied that the welfare and interests of the child will be promoted by that adoption. In the interim, the head of the appropriate State or Territory adoption authority becomes responsible for the child's guardianship as delegate of the Federal Minister for Immigration and Ethnic Affairs under the provisions of the Immigration (Guardianship of Children) Act, 1946 and will register the child with the Philippine Embassy or nearest Consulate General. The appropriate Australian State or Territory adoption will notify the Philippine Ministry of Social Services and Development of the making of any relevant Order of Adoption under the provisions of the Australian Adoption laws and will remind the adoptive parents to register the change of guardianship of the child until the child has changed citizenship.

2.6

In case the placement is terminated, the Australian State or Territory adoption authority will notify the Philippine Ministry of Social Services and Development. If the Australian State or Territory adoption authority cannot find another placement within 3 months from said termination, it will arrange the return of the child to the Philippine.

3.

RESPONSIBILITIES OF THE PHILIPPINE MINISTRY OF SOCIAL SERVICE AND DEVELOPMENT

The Philippine Ministry of Social Services and Development will be responsible for the following:

3.1

To ensure that any child being placed for adoption is legally available for adoption, and that for children being

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brought to Australia for the purpose of adoption, the documents listed in Attachment 3 are forwarded to the appropriate Australian State or Territory adoption authority.

3.2

To ensure that adoption by Australian citizens or residents, who are in the Philippines for a period that would not allow the conduct of trial custody of at least six months continuously, will be processed in accordance with this inter-country Working Arrangement.

3.3

To select as adoptive parents only those persons approved in writing for the purpose by the appropriate Australian State or Territory adoption authority.

3.4

The provision of comprehensive child case study in accordance with Attachment 4, medical history and recent photograph of the child to be adopted, all of which will be forwarded to the appropriate State or Territory adoption authority for reference in discussion with the prospective adopters before their acceptance of the proposed placement of the child to them.

3.5

Ensure that all financial arrangements made in the Philippines in relation to inter-country adoption are itemized and in accordance with the RULES AND REGULATIONS on foreign adoption of the Philippines.

3.6

Co-ordinate with the appropriate agency to obtain a passport, exit permit, visa to enter Australia and vaccination (if required) for the child to be adopted.

3.7

To ensure that adoption in the Philippines by Australian residents/citizens is subject to authority of the Philippine Ministry of Social Services and Development.

4.

PROCEDURES

The following policies and procedures will apply in the processing of applications by prospective adoptive families :

4.1

Any person or persons having their ordinary place of residence in an Australian State or Territory, who wish to adopt a child from the Philippines will apply to the Director of the appropriate Australian state or Territory investigated; where he is satisfied that the applicants are fit and proper persons to adopt a child from the Philippines he will cause the preparation of a detailed Family Study and will act as intermediary and forward the Family Study to the Philippines for consideration. Only family studies presented by an appropriate Australian State or Territory adoption authority to the Philippine Ministry of Social Services and Development will be considered.

4.2

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In any application for approval, as persons fit and proper to adopt a child from the Philippines, the following will be conditions precedent to the approval of the application by the Australian State or Territory adoption authorities :

(a)

Applicants must have attained the ages specified in the appropriate laws of both countries and be in a position to support and care for their family.

(b)

The State or Territory adoption authority investigating an application will confirm that the applicants have no criminal record or else make appropriate comment on that record.

4.3

The Family Study presented by the Australian State or Territory adoption authorities will, so far as is possible, cover the matters set forth in Attachment 1.

4.4

The Philippine Ministry of Social Services and Development will, with the concurrence of the appropriate Australian State or Territory adoption authority have sole authority with families approved by that Australian State or Territory adoption authority for the purpose of adoption. In any case where the Philippine Ministry of Social Services and Development does not approve the applicants, it will forward to the appropriate State or Territory adoption authority, a report setting out the reasons for that decision.

4.5

The Philippine Ministry of Social Services and Development will notify the appropriate Australian State or Territory adoption authority of applications received from Australian citizens from other sources in order that the Family Study may be presented in accordance with this arrangement.

4.6

The documents listed in ATTACHMENT 2 concerning the applicants will be sent by the Australian State or Territory adoption authorities, to the Philippines which shall acknowledge receipt of them.

4.7

The appropriate State or Territory adoption authority will confirm the proposed placement and finalise the necessary pre-placement plans with the prospective adoptive parents.

4.8

The appropriate Australian State or Territory adoption authority will notify the Philippine Ministry of Social Services and Development of the approval of the placement of a particular child with particular prospective adoptive parents as soon as possible after the receipt of the documents referred to in this arrangement. In any case in which the appropriate Australian State or Territory it will forward to the Philippine Ministry of Social Services and Development a report setting out the reasons for that decision.

4.9

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The Philippine Ministry of Social Services and Development will take all reasonable steps within its jurisdiction to facilitate the issuance of necessary travel documents to and for any child who has been proposed for placement with adoptive parents in Australia in accordance with this arrangement.

4.10

Where all necessary formalities have been completed, the child may travel to Australia in company with other children placed for adoption in accordance with this arrangement but in any case, the child or children may be escorted to Australia from the Philippines only by persons and in accordance with arrangements, mutually agreed upon.

4.11

Where a child from the Philippines has been placed in the care of prospective adoptive parents for the purpose of adoption and, for any reason, the appropriate Australian State or Territory adoption authority forms the belief, on reasonable grounds, that it is no longer in the interest of the child to remain in the care of those prospective adoptive parents, the appropriate Australian State or Territory adoption authority will cause the child to be removed from that care, and will make such temporary arrangements for the care of the child as are in that child's best interests. In any such case, it will forthwith notify the Philippine Ministry of Social Services and Development of the reasons for that decision to remove the child from that care; specify the arrangements made for the child as a result; submit a detailed report to the Philippine Ministry of Social Services and Development making a recommendation as to the further placement of the child and will forward, as soon as possible, a report as to the current circumstances of the original proposed adoptive parents. Until such time as the appropriate parties to this agreement jointly re-approve the original prospective adoptive parents as persons fit and proper to adopt a child from the Philippines, they will not be considered for any further placement of a child.

4.12

Should the child need to be placed for adoption with a replacement family, the Philippine Ministry of Social Service and Development will have the authority to approve the placement with the new family upon the recommendation of the Australian State or Territory adoption authority.

4.13

This arrangement recognizes that it will be the responsibility of the proposed adoptive parents to meet the following costs and expenses :

(a)

The costs of the child’s travel from the Philippines to the home of the proposed adoptive parents;

(b)

The costs of travel documents and any health examinations for the child associated with his fitness for adoption in accordance with this arrangement; and

(c)

Any other costs including the reasonable costs of travel, board and lodging for the escort.

5.

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SUPERVISION OF PRE ADOPTIVE PLACEMENT

5.1

The appropriate Australian State or Territory adoption authority will notify the Philippine Ministry of Social Service and Development of the arrival of every child from the Philippines for the purpose of adoption and will confirm that the child has been placed in the care of the proposed adoptive parents specified pursuant to the terms of this arrangement.

5.2

The Director of the appropriate Australian State or Territory adoption authority will cause officers of his Department properly qualified and appointed according to the law of Australia, to supervise the placement of the child in the care of the proposed adoptive parents and will cause reports to be forwarded to the Philippine Ministry of Social Services and Development as required by paragraph 2.4 of this arrangement.

5.3

Until an Order of Adoption is made in Australia, the appropriate Australian State or Territory adoption authority will inform the Philippine Ministry of Social Services and Development of any significant change in the health or general circumstances of the child or of his proposed adoptive parents and may also report to the Philippine Ministry of Social Services and Development any other matter of relevance which it deems appropriate. Until an Order of Adoption is made in Australia, the Philippine Ministry of Social Services and Development will notify the appropriate Australian State or Territory adoption authority, of any significant information as to the health or general circumstances of the child which may come to hand at any time after the particulars referred to in paragraph 3.4 of this arrangement were supplied, and may also report to the appropriate Australian State or Territory adoption authority any other matter of relevance which Philippine Ministry of Social Services deem relevant. In any event, any party to this arrangement may advise any other of any matter of relevance which is considered appropriate by the party concerned even after an Order of Adoption is made pursuant to the laws of appropriate Australian State or Territory.

THIS ARRANGEMENT WILL TAKE EFFECT ON THE DATE UPON WHICH THE LAST OF THE REPRESENTATIVES NAMED HEREIN SIGNS IT.

Sylvia P. Montes, Deputy Minister and Officer in Charge,

I,

Ministry of Social Services and Development, Govt. of the Philippines

(COUNTRY ADOPTION AUTHORITY STATE FULL RANK AND TITLE)

have hereto signed this arrangement at

_____Manila_____

on this _____23rd_____ day of _____June_____ 1981

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Sylvia P. Montes - MSSP (Sgd.) Deputy Minister and Officer in Charge

Name, Rank and Title

Signed before me _____(Sgd.)_____

WITNESS

I, FRASER ROBERT PLUMMER, DIRECTOR DEPARTMENT OF CHILDREN'S SERVICES, QUEENSLAND.

(AUSTRALIAN STATE OR TERRITORY ADOPTION AUTHORITIES, STATE FULL RANK AND TITLE OF EACH STATE AND TERRITORY ADOPTION AUTHORITY)

have hereto signed this arrangement at

_____LEURA, NEW SOUTH WALES._____

on this ____29th____ day of ___October___ 1980

_____(Sgd.)_____

Name, Rank and Title

Signed before me _____(Sgd.)_____

WITNESS

Entry into Force: June 23, 1981

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