

**PHILHEALTH CIRCULAR**

No. 120124 - 0031

**TO : ALL MEMBERS OF THE NATIONAL HEALTH INSURANCE PROGRAM, NATIONAL GOVERNMENT AGENCIES, LOCAL GOVERNMENT UNITS, INSTITUTIONAL HEALTH CARE PROVIDERS, PHILHEALTH REGIONAL AND BRANCH OFFICES, LOCAL HEALTH INSURANCE OFFICES, AND ALL OTHERS CONCERNED**

**SUBJECT : Coverage of Foster Child as Qualified Dependent (Revision 1)**

**I. RATIONALE**

Section 3(i) of the of the Republic Act (RA) 10165, or the Foster Care Act of 2012 defines Foster Parent as a person duly licensed by the Department of Social Welfare and Development (DSWD) to provide foster care. The abovementioned RA 10165, provision which confers DSWD the authority of issuing the license to provide foster care was thereafter amended by RA 11642 or the Domestic Administrative Adoption and Alternative Child Care Act which transfers the said authority to the National Authority for Child Care (NACC) signed last January 6, 2022 and its IRR, approved last June 28, 2022. Section 6 of the RA 10165, as amended, bestows upon the foster parents the rights, duties and liabilities of persons exercising substitute parental authority, as may be provided under the Family Code over the children under their foster care. In addition, Section 21(b) of the Foster Care Act of 2012 provides that a foster child shall automatically be a PhilHealth beneficiary of the foster parent and as such, entitled to health insurance benefits and if the foster parent is not a PhilHealth member, he must seek enrollment with PhilHealth.

In view thereof, and in line with the implementation of Republic Act 11223, otherwise known as the Universal Health Care Act, where Section 5 thereof specifically provides that every Filipino citizen shall be automatically included into the NHIP, the Philippine Health Insurance Corporation (PhilHealth) shall cover under the National Health Insurance Program (NHIP) all foster children as qualified dependents of foster parents duly licensed to provide foster care.

**II. OBJECTIVES**

This PhilHealth Circular aims to ensure the coverage of foster child as a qualified dependent of a PhilHealth member.

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### III. SCOPE

This PhilHealth Circular covers the entitlement to NHIP benefits of any foster child as a qualified dependent of foster parent/s, valid until the termination of the Foster Placement Authority (FPA) due to any of the following:

- A. Death of the child
- B. Death of both foster parents
- C. Child's placement for adoption
- D. Child's integration into a biological family
- E. Placement becomes prejudicial to the welfare of the child, such as, but not limited to, abandonment, maltreatment, sexual assault, violence, or other forms of abuse

### IV. DEFINITION OF TERMS

- A. **Certificate Declaring a Child Legally Available for Adoption (CDCLAA)** – refers to final written administrative order issued by the NACC declaring a child as legally available for adoption. The rights of the biological parents, guardian, or other custodians to exercise parental authority over the child shall cease upon issuance of the CDCLAA.
- B. **Foster Care** – refers to the provision of planned temporary substitute parental care to a child by a foster parent or foster family to a child whose biological parents are temporarily or permanently unable to care for him/her due to family dysfunction, medical and economic reasons among others.
- C. **Foster Child** – refers to a child placed under foster care whose needs can be best met in a family.
- D. **Foster Family Care License (FFCL)** – refers to the document issued by the DSWD during the transition period and the NACC afterwards authorizing the foster parent to provide foster care.
- E. **Foster Parent** – refers to a person, duly licensed by the DSWD during the transition period, and the NACC afterwards, to provide foster care, during which supervision is provided by a social worker to facilitate the child's adjustment and assist in performing foster parenting responsibilities.
- F. **Foster Placement Authority (FPA)** – refers to the document issued by the DSWD during the transition period and the NACC afterwards authorizing the placement of a particular child with the foster parent.
- G. **National Authority for Child Care** – refers to the one-stop quasi-judicial agency on adoption and alternative child care, attached to the DSWD and acts as the Central Authority for all alternative child care programs including domestic and intercountry adoption. It is composed of a Council and a Secretariat headed by an Executive Director.

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- H. **Pre-Adoption Placement Authority (PAPA)** – refers to a document issued by the NACC or the Regional Alternative Child Care Office (RACCO) upon effectivity of RA 11642 authorizing/confirming the placement of a child with the adoptive applicant/s.
- I. **Regional Alternative Child Care Office (RACCO)** – refers to an office created for each region of the country, which shall be headed by a Regional Alternative Child Care Officer. The RACCO is tasked to ensure a well-functioning system of receipt of local petitions for Certification Declaring a Child Legally Available for Adoption (CDCLAA) and adoption, and other requests regarding alternative placement and the well-being of children. It shall have dedicated personnel who shall exclusively handle the issuance of CDCLAA; domestic administrative adoption; inter-country adoption; foster care; all other forms of alternative care including family-like care, kinship care, and residential care; and rectification of simulated birth pursuant to Republic Act No. 11222.

## V. POLICY STATEMENTS

1. All foster children including those abandoned, surrendered, neglected, orphaned, abused, exploited, subjected to difficult circumstances like calamities and armed conflict, and with special needs, who have been under the custody of the DSWD shall be accepted qualified dependents of PhilHealth members who become licensed foster parents.
2. All PhilHealth members who become licensed foster parents shall be required to submit the *photocopy of a valid Foster Placemen Authority (FPA)* as acceptable supporting document when declaring a foster child as dependent. Original/certified true copies of said documents shall be presented for validation. FPA issued by the DSWD with validity period beyond December 31, 2023 shall no longer be accepted by PhilHealth as NACC, through the Regional Alternative Child Care Office (RACCO), has assumed the authority to issue the said document effective January 2023.
3. *PhilHealth members who provide foster care but whose FPA are still under process may submit, in the interim, a Certificate of Emergency Placement from the NACC, through the RACCO, attesting that the application currently on process.*
4. All licensed foster parent/s who are still non-PhilHealth members, must enroll with PhilHealth *consistent with Section 8 of the Implementing Rules and Regulations of the Universal Health Care Act* to ensure the foster child's health insurance benefits as provided for in Article VIII, Rule 22.2 of the Implementing Rules and Regulations of the Foster Care Act of 2012 *as amended by RA 11642 or the Domestic Administrative Adoption and Alternative Child Care Act.*
5. *The foster child shall be covered as qualified dependent of the foster parent for the duration of the validity of either the FPA or the Certificate of Emergency Placement from the NACC, whichever is applicable.*

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6. All existing rules and regulations *relative to* the benefit of the qualified dependents shall also be applied to/ enjoyed by the foster child declared as dependent.

**VI. PENALTY CLAUSE**

*Any violation of this PhilHealth Circular and all existing related issuances shall be penalized under the Republic Act No. 11223, otherwise known as the Universal Health Care Act, its Implementing Rules and Regulations and other applicable laws, rules and regulations.*

**VII. SEPARABILITY CLAUSE**

*In the event that any provisions of this PhilHealth Circular is declared unconstitutional or rendered invalid by any Court of Law or competent authority, provisions not affected by such declaration shall remain in full force and effect.*

**VIII. REPEALING CLAUSE**

*This PhilHealth Circular repeals PhilHealth Circular No. 019, s-2014 (Coverage of Foster Child as Qualified Dependent). Further, all other issuances inconsistent with this PhilHealth Circular are hereby repealed.*

**IX. DATE OF EFFECTIVITY**

*This PhilHealth Circular shall take effect upon publication in a newspaper of general circulation. A copy thereof shall be deposited with the Office of the National Administrative Register, University of the Philippines Law Center.*

  
EMMANUEL R. LEDESMA, JR.  
President and Chief Executive Officer

Date signed: 12/6/24

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DC: Myx Date: 12/6/2024