

**BYLAWS OF THE  
CHILDREN'S LAW SECTION  
OF THE STATE BAR OF MICHIGAN  
NOVEMBER 2020**

**ARTICLE I  
NAME AND PURPOSES**

**SECTION 1.** This Section shall be known as the Children's Law Section of the State Bar of Michigan and shall concern itself with all aspects of law, legislation and policy concerning children.

**SECTION 2.** The Children's Law Section works to serve and protect the interests of children, families, and legal professionals that are involved in juvenile justice, child welfare proceedings, adoption, and other related area of legal practice affecting the rights of parents and children. The mission is two-fold in that the Section: 1) serves and protects the interests of children and families in legal proceedings by initiating and monitoring legislation; adopting positions on issues of public concern; writing and submitting amicus briefs to the Michigan Supreme Court; providing public service programs, training and outreach; and initiating, participating and monitoring agency actions, policies and developments; and 2) promotes and protects the interests of attorneys and legal professionals who represent children and families by offering education, training, resources and tools to competently represent clients; offering mentoring and networking opportunities for legal professionals; adopting positions on legal issues of importance to attorneys that practice juvenile law; and initiating and monitoring court rule changes to effectuate proper implementation of legal mandates.

**ARTICLE II  
MEMBERSHIP**

**SECTION 1.** Each member of the Section shall pay annual dues. The Section reserves the right to change the amount of dues by a 2/3 majority vote of the council at the annual meeting. Prior notification of an annual dues change is not required. However, the change in dues will not take effect until the year succeeding the vote. Any member of the State Bar of Michigan upon request to the Executive Director and upon payment of dues for the current fiscal year (October 1 - September 30) shall be enrolled as a member of the Section. Thereafter the annual Section dues shall be paid in advance each year with annual bar dues. Members so enrolled and whose dues are so paid shall constitute the membership of the Section. Any member of the Section whose annual dues become more than six (6) months past due shall thereupon automatically cease to be a member of the Section.

**SECTION 2.** Newly admitted members of the State Bar of Michigan, upon written request, shall become members of the Section for the balance of the fiscal year in which application is made, without payment of dues to the Section, if such written request is made to the State Bar during the first year of membership in the State Bar of Michigan.

**SECTION 3.** Law student members of the State Bar of Michigan may become non-voting members of the Section upon application to the section without the payment of dues.

### **ARTICLE III OFFICERS, COUNCIL MEMBERS, AND LIAISONS**

**SECTION 1.** The officers of this Section shall be a Chair, Chair-Elect, Secretary, and Treasurer. These officers constitute the Executive Committee. The Executive Committee shall not act without prior council approval.

**SECTION 2.** There shall be a Section Council consisting of 19 members, including the Chair, Chair-Elect, Secretary and Treasurer; all shall be members of the Section, together with 15 section members who shall be elected by the Section at the Annual Meeting.

**SECTION 3.** Liaisons from other sections, who are not Children's Section council members, shall have standing to vote at council meetings if the Children's Section has reciprocity in the section; however, liaisons will not be included in the quorum and shall not be eligible to serve as officers of the section or council. Liaisons shall be appointed for annual terms by the Chairperson to the Criminal Law Section, Family Law Section of the State Bar and the Referees Association of Michigan. Liaisons may also be appointed to other organizations.

**SECTION 4.** The Chair, Chair-Elect, Secretary, and Treasurer shall be nominated and elected at the Annual Meeting of the Section in which their term is up for election, to hold office for a term beginning at the close of the Annual Meeting at which they shall have been elected and ending 2 years following the date of their original election date of the Section when their successors shall have been elected and qualified. If the Office of Chair-Elect is vacant at the Annual Meeting then the office of Chair shall also be nominated and elected.

**SECTION 5.** Five section members shall be elected at each Annual Meeting of the Section to serve on the Council for terms of 3 years.

**SECTION 6. REMOVAL OF COUNCIL MEMBERS.** The Secretary shall keep a count as to each member that is present for each meeting. If a council member fails to attend council meetings in person or via telephone, and also fails to be excused by a person on the Executive Committee for 3 consecutive meetings, the Secretary shall inform the council of the person's third consecutive

absence and a designated member of the Executive Committee shall contact the council member who has missed three meetings to determine the reasons for the absences. The designated Executive Committee member shall then provide said explanations and report back to the Executive Committee and the Executive Committee shall decide if the council member shall be provided the opportunity to remain on the council for another meeting or determine whether the issue shall be presented at the next Council meeting and call a vote for the possible removal. A council officer or member can be removed from their council position for good cause by a vote of 2/3 of the entire council.

**SECTION 7. REPLACEMENT OF COUNCIL MEMBERS.** Should a Council member at-large vacancy occur during the term, the Chair shall appoint a member to complete the remainder of the term. In the event of a vacancy of an officer, which occurs during the interim between annual meetings of the Section, the Council will receive nominations at the next scheduled Council meeting and fill the vacancy by majority vote to serve the remainder of the term.

#### **ARTICLE IV NOMINATION AND ELECTION OF OFFICERS**

**SECTION 1.** All Officer and Council members whose term is expiring shall submit to the Chair notice of their intent to remain on the Council or to be removed from the Council at least 60 days prior to the Annual Meeting.

At least 30 days prior to the Annual Meeting, the Chair shall provide notice to all Section members via the Section listserv that there are one or more council vacancies available and that nominations are being accepted until 10 days prior to the Annual Meeting. The notice to the listserv shall include an explanation of duties required for the position, and the manner by which a member may request that their name be placed on the ballot.

By no later than 10 days prior to the Annual Meeting, interested candidates shall notify the Chair in the manner described in the notice of their request to have their name placed on the ballot.

At least 5 days prior to the Annual Meeting, the Chair shall send out an electronic ballot for council vacancies to all Section members. Votes will be collected in the manner identified by the Chair in the notice. The Chair and Chair-Elect will be responsible for tallying the votes.

Candidates who receive the most votes will receive one (1) of the five (5) Council positions up for election that year. All results will be held confidential until the Annual Meeting.

The Secretary will report the votes received for each candidate in the report of the meeting minutes from the Annual Meeting.

In the event of a tie in the number of votes for a position, a run-off ballot will be printed and distributed at the Annual Meeting for an in-person vote.

**SECTION 2. ELECTIONS.** All contested elections shall be by written or email ballot unless otherwise authorized by resolution duly adopted by the Section at the Annual Meeting at which the election is held.

## **ARTICLE V DUTIES OF OFFICERS**

**SECTION 1. CHAIR.** The Chair shall preside at all meetings of the Section and of the Council, which shall be conducted pursuant to Robert's Rules of Order. The Chair shall appoint all committees of the Section consisting of Section members to perform such duties and exercise such powers subject to the limitations of these Bylaws and the Bylaws of the State Bar of Michigan. The Chair shall formulate and present at each Annual Meeting of the State Bar of Michigan a report of the work of the Section for the then past year. The Chair shall perform such other duties and acts as usually pertain to the office.

**SECTION 2. CHAIR-ELECT.** Upon the death, resignation, disability, during the explained absence of the Chair, or upon his or her refusal to act as Chair, the Chair-Elect shall perform the duties of the Chair for the remainder of the Chair's term, except in the case of the Chair's disability or explained absence; then only during so much of the term as the disability and/or explained absence continues.

**SECTION 3. SECRETARY.** The Secretary shall be the custodian of all books, records, papers, documents, and other property of the Section. He or she shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chair, he or she shall prepare the Section's Annual Report. The Secretary, in conjunction with the Chair, as authorized by the Council, shall attend generally to the business of the Section.

**SECTION 4. TREASURER.** The Treasurer shall keep a true record of all funds received and disbursed and shall report thereon to the Council whenever requested. Annually he or she shall submit a financial report for presentation to the membership of the Section. Consistent with the Bylaws of the State Bar of Michigan, he or she shall be responsible for forwarding all monies of the Section, which come into his or her hands, to the State Bar for deposit and credit to the account of the Section. The Treasurer shall present a current financial report at each meeting of the Council. The Treasurer shall also provide an anticipated budget, which includes known and anticipated income and expenses to the Council at the first meeting following the Annual Meeting.

**SECTION 5.** Any officer can act as the Chair of a council meeting in the absence of the Chair and Chair-Elect.

**ARTICLE VI**  
**DUTIES AND POWERS OF THE COUNCIL**

**SECTION 1.** The Council shall have general supervision and control of the affairs of the Section, subject to the provisions of the Bylaws of the Section, the Supreme Court Rules Concerning the State Bar of Michigan and the Bylaws of the State Bar of Michigan. It shall specifically authorize all commitments or contracts, which shall entail the payment of money, and shall authorize the expenditure of all monies appropriated for the use or benefit of the Section. It shall not, however, without prior approval of the State Bar Board of Commissioners, authorize commitments or contracts which shall entail the payment of more money during any fiscal year than the total of: (a) the amount received in Section dues for such fiscal year; and (b) any unexpended funds remaining in the Section treasury from prior years.

**SECTION 2.** The Council shall comply with Article VIII of the Bylaws of the State Bar of Michigan regarding public advocacy.

**SECTION 3.** The Council shall have the authority to remove any chairperson or member from any Section Committees.

**SECTION 4.** Regular meetings of the Council shall be held at least six times per year, including the annual meeting, at times to be determined by the Chair, and the schedule of regular meetings for each fiscal year shall be published in advance.

**SECTION 5.** Seven (7) voting members of the Council present shall constitute a quorum at both monthly and special meetings of the Council.

**SECTION 6.** The Council shall act pursuant to a majority of a quorum of those present at regular and special meetings of the Council.

**SECTION 7.** The Chairperson of the Section and any voting members of the Council shall submit or cause to be submitted to the Council, any motion upon which the Council may be authorized to act; and the members of the Council may vote upon such motion so submitted by communicating their vote thereon to the Secretary, who shall record upon the minutes each motion so submitted; when, how, at whose request it was submitted; and the vote of each member of the Council thereon; and he or she shall retain on file such written and signed votes. Action supported by a majority of all the Council members entitled to vote with respect to a motion submitted in that manner shall constitute binding action of the Council.

## **SECTION 8. Electronic Voting.**

- a. When an issue arises which must be determined within a limited period of time, and the calling of a formal meeting is not practical, a proposal for an electronic vote may be submitted by the Chair to the Council via the Council-Only listserv. This provision does not preclude the Chair from sending a proposition to the entire Section for consideration and electronic vote when appropriate.
- b. Council members that wish to have items considered for electronic vote shall submit requests for immediate action and vote to the Chair describing the following: 1) Exact wording of the motion; 2) Details concerning the necessity of immediate action in lieu of a formal meeting; and 3) argument supporting the motion, which shall be submitted by the Chair to the Council via the Council-Only listserv.
- c. Council members will vote electronically by forwarding their vote via the Council-Only listserv to all Council Members. Votes delivered by any other method will not be counted. If there a member does not vote by the time and date designated by the Chair, the member's vote will not be counted.
- d. Votes received will be tallied for a final count by the Chair and recorded by the Secretary. The Secretary shall record upon the minutes each proposition so submitted, when, how, at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such e-mailed votes. If a majority of the members of the Council are in favor of such proposition or if such majority are against such proposition, such majority vote shall constitute the binding decision of the Council.

## **ARTICLE VII COMMITTEES**

**SECTION 1.** The Chair shall appoint members to the Standing and Ad Hoc committees. Each Committee Chair shall prepare and present a report at the Annual Meeting.

**SECTION 2.** The Standing Committees are:

- a. Legislative Committee. The Legislative Committee shall advise the Council and membership regarding pending State legislation, and significant State judicial decisions in the areas of child welfare, and juvenile law. The Legislative/Law Committee shall prepare recommendations in support of and/or opposition to any legislation that affect the areas of child welfare, and juvenile law, as directed by the Council.

- b. Membership/Social Committee. The Membership/Social Committee shall coordinate the recruitment of new and continuing members. The Membership/Social Committee shall plan, organize, publicize and oversee various social functions to enhance membership. The Membership/Social Committee shall make recommendations to the Council regarding proposed membership recruitment efforts and social events.
- c. Amicus Committee. The Amicus Committee shall draft and submit amicus briefs at the direction of, and on behalf of, the Council.
- d. Education Committee. The Education Committee shall plan, organize, publicize and oversee all Section training conferences. The Education Committee shall make recommendations to the Council regarding proposed conference sites, budget and training topics.
- e. Publications Committee. The Publications Committee is responsible for publishing the *Michigan Child Welfare Journal*.
- f. Agency Committee. The Agency Committee is responsible for advising the Council of current agency issues and, if appropriate, recommending Council action on those issues.

**SECTION 3.** The Chair may appoint such other Ad Hoc Committees deemed necessary to carry out the work of the Children's Law Section.

## **ARTICLE VIII ANNUAL MEETING**

**SECTION 1.** The annual meeting of the Section shall be held in September of each year at a place designated by the Executive Board at least 30 days in advance and shall include such programs and order of business as may be arranged by the Chair/Chair-Elect.

**SECTION 2.** Seven (7) members of the Section present at the annual section meeting shall constitute a quorum for the transaction of business.

**SECTION 3.** All actions of the Section other than the amendment of the bylaws shall be taken pursuant to a majority vote of a quorum of the members present.

**SECTION 4.** Council and Section members may attend any meeting in person, or by telephone, or other council approved electronic means.

**SECTION 5.** In the absence of a quorum for a vote on a motion or to elect council members and/or officers, the council shall hold a council meeting as soon as possible following the meeting at which there was not a quorum but no later than 30 days and the chairperson shall stress the importance of attendance at the rescheduled council meeting to create a quorum.

## **ARTICLE IX MISCELLANEOUS PROVISIONS**

**SECTION 1.** The fiscal year of the Section shall be the same as that of the State Bar of Michigan.

**SECTION 2.** All debts incurred by the Section, before being forwarded to the State Bar of Michigan for payment shall first be approved by the Chair or the Treasurer, or, if the Council shall so direct, by both of them.

**SECTION 3.** No salary or compensation of any kind shall be paid to any officer, Council or committee member. The Section shall reimburse any expense incurred on behalf of the Section.

**SECTION 4.** Any action by this Section must be approved by the Board of Commissioners or the Representative Assembly of the State Bar of Michigan before it becomes effective as an official act of the State Bar of Michigan. Any resolution adopted or action taken by the Section may, on request of the Section, be reported by the Chair of the Section to the Board of Commissioners or Representative Assembly of the State Bar of Michigan for action.

**SECTION 5.** These Bylaws shall become effective upon their adoption by the Section and the approval thereof by the Board of Commissioners of the State Bar of Michigan.

## **ARTICLE X AMENDMENTS**

**SECTION 1.** Any proposed amendment of these Bylaws shall first be approved by the Council at a regular or special meeting prior to the Annual Meeting of the Section at which it is to be addressed. The Council shall consider the proposed amendment at such a meeting and shall prepare recommendations thereon; and those recommendations, together with a complete and accurate text of said proposed amendments, shall be provided to the section via email by publishing the proposed amendments on the Children's Law Section listserv at least 15 days prior to the annual meeting of the Section at which the amendment is to be considered.



**SECTION 2.** These Bylaws may be amended at any Annual Meeting of the Section by a two-thirds (2/3) vote of the members of the Section present and voting, provided there is a quorum; and provided further that any such proposed amendment shall first have been submitted for its recommendation to the Council; and provided further that no amendment so adopted shall become effective until approved by the Board of Commissioners of the State Bar of Michigan. If there is not a quorum at the Annual Meeting, these Bylaws may be amended at the next regularly scheduled Council meeting provided that the required notice to the membership under Section 1 of this Article has been completed.

**SECTION 3.** The Section cannot be dissolved or merged with another Bar section until approved by 2/3 votes by mail of the entire Section membership.

**Created 1989**

**Amended 2/2/98**

**Amended 9/22/00**

**Amended 9/27/02**

**Amended 3/20/07**

**Amended 9/17/13**

**Amended 11/18/16**

**Amended 11/20/20**