

**BYLAWS**  
**of the**  
**SOUTH CAROLINA FAMILY COURT BENCH-BAR COMMITTEE**

**ARTICLE I**

Name

Section 1. The name of this organization shall be the South Carolina Family Court Bench-Bar Committee, hereinafter referred to as the Bench-Bar Committee or as the Committee.

**ARTICLE II**

Background of the Bench-Bar Committee

Section 1. The Bench-Bar Committee was established in 1994 pursuant to the South Carolina Families for Kids, a partnership of the South Carolina Department of Social Services and United Way of South Carolina. The Bench-Bar Committee was created to focus on the legal process of the child protection system. Although originally conceptualized as a committee of lawyers and judges, the Bench-Bar Committee membership was expanded to include representatives of the Office of Court Administration, the Department of Social Services, and other child-serving agencies.

A major accomplishment supported by the Bench-Bar Committee was the enactment of the *Child Protection Reform Act of 1996*. This Act established requirements for family court permanency planning hearings for children placed in foster care. It established deadlines for implementation of a child's permanency plan and compressed the time frames for required hearings. The Act expanded the grounds for termination of parental rights, separated the Central Child Abuse Registry from the DSS internal data system, and made numerous other changes which improved the administration of justice for children and their families.

The Bench-Bar Committee also identified the need for additional training and assistance for attorneys and other professionals involved in family court proceedings related to child abuse and neglect. The Bench-Bar Committee's efforts led to establishment of the Children's Law Center (formerly the Children's Law Office) at the USC School of Law. The Children's Law Center began in 1995 as a statewide training and resource center for professionals involved in child protection cases in the family courts and in the criminal prosecutions of adults for child abuse. The Children's Law Center now provides extensive training and technical assistance for attorneys, judges, guardians *ad litem*, DSS case workers, law enforcement, and other professionals involved in child welfare proceedings.

Subsequent to the South Carolina Families for Kids grant, the Bench-Bar Committee continues to monitor the legal process of child protection cases and to make recommendations for its improvement.

## **Bylaws of the Bench-Bar Committee**

### **ARTICLE III**

#### Purpose and Activities of the Bench-Bar Committee

Section 1. The Bench-Bar Committee shall review statutes, case law, court rules, training needs, and administrative policies and procedures applicable to the child welfare system and determine their consequences to both the systemic and the individual legal processing of cases. The Committee shall make recommendations intended to promote child protection and permanency planning for children and to support an informed and appropriately expeditious judicial process for child welfare cases.

Section 2. The Bench-Bar Committee shall review and recommend “best practices” for courts, attorneys, and child-serving professionals and organizations involved in child abuse and neglect proceedings in the family courts.

Section 3. The Bench-Bar Committee shall serve as the advisory committee for the South Carolina Court Improvement Program Grants.

### **ARTICLE IV**

#### Membership of the Bench-Bar Committee

Section 1. Members shall serve for two year terms. The general election of members shall be held in the last quarterly meeting of odd-numbered calendar years, or as soon thereafter as an election may be held. The terms of elected members shall commence on the first day of January of the even-numbered year following the general election of members.

Section 2. There shall be a Nominating Committee which shall consider and propose nominees for election to the Bench-Bar Committee. The Nominating Committee shall consist of the Chair, the Vice-Chair, and three members appointed by the Chair, and it shall be constituted in the third quarter of odd-numbered calendar years. Current members may propose new members to the Nominating Committee for consideration. The Nominating Committee shall prepare a slate of nominees and a nomination of the next Chair. The slate of nominees, with a biographical summary of any new nominee, shall be distributed to members at least two weeks in advance of the general election. New members shall be elected by two-thirds majority vote of the Bench-Bar Committee of members present and voting at a duly announced meeting.

Section 3. The Committee shall not have fewer than sixteen (16) nor more than twenty-three (23) members, and it shall reflect professions and disciplines as set forth hereinafter. The Committee membership shall include five (5) family court judges and five (5) attorneys in private practice whose practice includes substantial activities in the representation of volunteer guardians *ad litem*, representation of parents or defendants in child protection cases, and appointments to serve as guardian *ad litem* for children.

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The following individuals shall serve as ex-officio, voting members of the Committee: the Director of the Department of Social Services; the General Counsel of the Department of Social Services; the Director of the Office of Court Administration; the Director of the Guardian *ad Litem* Program; the Director of the Foster Care Review Board; the Director of the Department of Juvenile Justice; a representative from the Catawba Indian Nation; Director or designee from the Office of Indigent Defense; and the Director of the Children's Law Center. Up to five (5) additional members may be elected as deemed necessary by the Committee to maintain appropriate diversity of its membership and to achieve the desired participation of the various professional disciplines involved in child welfare cases.

Section 4. Members shall be elected for a two year term, and may be re-elected to subsequent two year terms. Members must attend at least fifty percent (50%) of regularly scheduled meetings in each calendar year to retain their membership. This requirement may be waived by the Chair for those members who notify the Chair that they cannot attend a meeting due to extenuating circumstances, but who are otherwise participating in Committee activities.

### **ARTICLE V**

#### **Resignations and Filling Unexpired Terms**

Section 1. In the event of a resignation or a vacancy in membership prior to a general election, the Chair may nominate a candidate to the Committee for election to fill the remainder of the vacated term. The nominee shall reflect the appropriate profession or discipline as set forth above in Article IV, Section 3.

Section 2. In the event that a member fails to attend fifty percent (50%) of the Committee's announced meetings in a year, the Chair may, in its discretion as set forth in Article IV, Section 4, determine that the member has effectively resigned and declare the member's seat to be vacant.

Section 3. In the event that a member is no longer working in a position which represents their designated profession or discipline, the Chair may nominate a candidate to the Committee for election to replace that member for the remainder of their term. The nominee shall reflect the appropriate profession or discipline as set forth above in Article IV, section 3.

### **ARTICLE VI**

#### **Officers of the Bench-Bar Committee**

Section 1. Officers of the Bench-Bar Committee shall consist of a Chair and Vice-Chair. The Chair shall be a family court judge, and the Vice-Chair shall be the Director of the Department of Social Services.

## **Bylaws of the Bench-Bar Committee**

Section 2. The Chair shall preside over meetings and perform such other duties as are provided by these Bylaws or as directed by the Committee. In the absence of the Chair, the Vice-Chair shall function as the Chair.

Section 3. The Chair shall be elected for a two year period by majority vote of the Bench-Bar Committee members present and voting. The Chair shall not serve successive terms, and the position of Chair shall be rotated among the judicial members of the Committee. The election of the Chair shall occur at the first regular meeting of the Committee in even-numbered calendar years following the general election of members.

### **ARTICLE VII**

#### Committees

Section 1. The Chair or the Bench-Bar Committee may create committees and assign tasks as deemed necessary. The Chair shall appoint the members and the chair of each such committee. Individuals who are not members of the Bench-Bar Committee may be appointed to serve on a committee; however, the chair of the committee shall be a member of the Bench-Bar Committee.

### **ARTICLE VIII**

#### Meetings of the Bench-Bar Committee

Section 1. The Bench-Bar Committee shall meet at least once during each quarter of the year, with additional meetings called by the Chair or the Committee as deemed necessary. Written notice of meetings, agendas, and any other required written notice shall be provided by letter, fax, or email to each Committee member at least fourteen (14) calendar days prior to the meeting.

Section 2. A majority of Bench-Bar Committee members present at a duly noticed meeting shall constitute a quorum to conduct business.

Section 3. Members must be present to vote on matters under consideration by the Bench-Bar Committee. Only duly elected and ex-officio Bench-Bar Committee members are permitted to vote. Unless otherwise specified herein, all business of the Bench-Bar Committee shall be decided by simple majority vote of those members which constitute a quorum.

Section 4. Bench-Bar Committee meetings shall be conducted in accordance with the Robert's Rules of Order, unless otherwise specified herein.

## **Bylaws of the Bench-Bar Committee**

### **ARTICLE IX**

#### Staff Support

Section 1. The Children's Law Center shall provide administrative and staff support services to the Committee. The Children's Law Center shall designate an employee to serve as staff person to the Committee. This staff person shall publish notices to members on behalf of the Committee, attend all meetings, prepare minutes of Committee meetings, and provide other staff support and assistance as necessary for the Committee to complete its work.

### **ARTICLE X**

#### Amendments to Bylaws

Section 1. These Bylaws may be amended by a two-thirds majority vote of the membership present at a duly announced meeting of the Committee, provided that the proposed amendments have been distributed in writing to members at least fourteen (14) calendar days prior to the announced meeting.

Adopted as *Amended* this 11<sup>th</sup> day of April of 2014

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Chair,  
Bench-Bar Committee