

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.

ARTICLE III

Purpose and Activities of the Bench-Bar Committee

Section 1. The purpose of the Bench-Bar Committee is to enhance the effectiveness of South Carolina's judicial system in supporting the safety, permanency, and well-being of children who are involved in child abuse and neglect proceedings. The Bench Bar Committee will seek to ensure that hearings are conducted in a timely and thorough manner, with continuity and uniformity throughout the state. The Committee will monitor policies, procedures, and practices, and will formulate recommendations for improvement in the legal handling of these cases. The Committee will pursue improvements through recommending statutory changes to the Joint Citizens and Legislative Committee on Children, seeking procedural changes through the Judicial Department, disseminating best practice guidance, establishing model or pilot programs, other methods as agreed upon by Committee members.

Section 2. The Bench-Bar Committee shall develop and promote "best legal practices" for courts, attorneys, and child-serving professionals and organizations involved in child abuse and neglect proceedings in the family courts. The Committee will ensure that the recommended Best Legal Practices remain current, incorporating revisions as needed.

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 up to six (6) family court judges who, to the extent possible, represent various geographical areas of the state, and up to five (5) attorneys whose practice includes the representation of county Department of Social Services, volunteer guardians *ad litem*, or parents or defendants in child protection cases.

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. Ex-officio members may designate a staff member of their organization to attend meetings and vote on their behalf. Designees are subject to the approval of the Committee.

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.

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.

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 27th day of October, 2017

Chair,
Bench-Bar Committee