

Structures for Youth Involvement



In any state where there is not a law that specifically prohibits or allows for youth board participation, organizations can adopt Youth Infusion Principles and involve young people in all of its structures.

Consider these suggestions:

- **Disclose to your organization that you have young people on your board.**
- **Include provisions in your Bylaws and Articles of Incorporation that state that your organization can elect young people to your board.**
- **Do not elect young people to board officer positions that have contractual authority. Be sure to encourage young people to serve in other leadership positions.**

- **Caution youth board members from signing legal and financial documents, such as leases, on behalf of the nonprofit corporation or the incorporating papers for the nonprofit organization.**
- **Discuss potential risk openly with the board of directors and your organization's attorney.**
- **If any of these provisions are in conflict with state law, state law will govern whether youth board members can participate .**

(This will alert your board to continually check the state laws for changes in age requirements.)

Waupaca County

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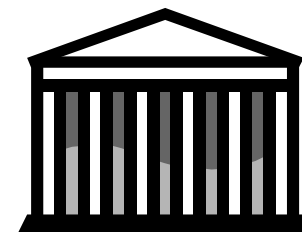


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YOUTH INVOLVEMENT IN PUBLIC DECISION MAKING

Youth on Boards



www.uwex.edu/ces/4h/cyd/
www.theinnovationcenter.org
www.youthonboard.org

An Overview of State Laws

To determine if young people can legally serve on your board or committee, your organization should examine their Bylaws, Articles of Incorporation and Government Ordinances. Since laws change it is important that you consult your state and community laws on a regular basis.

Wisconsin is one of forty other states that have not taken a stand on Youth Board Involvement. The law and court decisions neither prohibit nor allow for youth board participation. Since no law exists, organizations and government can pursue youth board involvement to the greatest extent possible.

GOVERNING DOCUMENTS

By institutionalizing youth involvement in your Bylaws and Articles of Incorporation, you can send a strong message that your organization is fully behind youth governance as well as ensuring that young people will be vital members of your board long after current staff and members leave the organization. Below is an example of an Article—Board Eligibility. *All voting members of the board shall be adult volunteers or members 12 years of age and over who are registered adults or youth of this organization.*



YOUTH INCORPORATORS

Wisconsin does allow youth to be incorporators. An incorporator is someone who legally applies to the state to form a nonprofit corporation. Check state laws requiring or recommending adult incorporator. This means the person who is the signatory on the agency's Articles of Incorporation are a given age. Age-specific laws for incorporators do not, however, prevent a young person from starting or founding an organization. An organizations in Wisconsin may choose an adult to incorporate the organization because of state contractual concerns.

CONTRACTUAL REQUIREMENTS



Some states, including Wisconsin, maintain a minimum age requirement for persons who can create or enter into contracts. A court may invalidate a contract and give it no effect if a young person (as defined by state law or a judge) authorized it. However, as long as the minor is not the officer authorized to sign on behalf of the organization, the minor's inability to contract should not become an issue. Reference Common Law: Doctrine of Incapacity, Infancy Doctrine.

INSURANCE

Nonprofits should carry Directors and Organizers Insurance to protect the board and founding organizers from legal liability. Most policies don't specify a minimum age for board members; check your policy. If youth are not covered, parents or guardians will have to pay for the litigation costs.

STATES THAT DO AND DO NOT SUPPORT YOUTH INVOLVEMENT

Michigan, Minnesota and New York state law provides that young people can serve on a board with certain restrictions. Minnesota includes directors 16 or 17 years old as long as the number of directors do not exceed half the total for a quorum. Michigan includes any age as long as the majority of directors are at least 18. New York allows 16 year olds to be directors if the organization's purpose is youth related.



Laws do not prohibit any organization from involving youth as non-voting members.

However, state laws from at least seven states require directors to be 18 years or older. Even if laws are prohibitive, they do not prevent any organization from involving youth as non-voting members.

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