



International Council on Shared Parenting (ICSP)

By-Laws

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Preamble

In 2013, a group of international shared parenting experts gathered to set up an “International Platform on Shared Parenting” under twohomes.org as an informal organization without legal identity and without a registered office. Shared parenting means equivalent, alternating care of children whose parents are living apart.

Keeping abreast with increasing dynamics and spurring further developments in the field of shared parenting worldwide requires an enhanced organizational status and a more effective structure. Therefore it was decided to form an association with legal identity and a registered office: the International Council on Shared Parenting (henceforth “ICSP”).

This new association shall consist of individuals and organizations from science, family professions and civil society who are actively contributing to the purpose of the association.

As a first step, ICSP is composed of natural persons as members. However, it is envisaged to adopt, as soon as practicable, a broad and balanced range of institutional members fulfilling the criteria laid out above. To this end, ICSP will identify relevant contacts and elaborate an appropriate governance structure. In the meantime, cooperation with potential institutional members aiming at ICSP’s objectives will be pursued on a project basis.

I. Name, Seat and Purpose

Article 1

The name of the association is “Internationaler Rat für die Paritätische Doppelresidenz”. It shall be registered in the register of associations under German law and will then carry the addition “e.V.” [“eingetragener Verein” – “registered association”]. The registered office of the association is located in Bonn.

The name of the association in English is “International Council on Shared Parenting”, in short “ICSP”.

Article 2

The purpose of the association is the promotion of education and of science and research through activities

- 1) to disseminate and advance scientific knowledge on the needs and rights (“best interests”) of children whose parents are living apart, and
- 2) to formulate evidence-based recommendations about the legal, judicial and practical implementation of shared parenting,

also in the sense of international understanding.

To achieve this purpose, ICSP shall undertake a range of measures related to shared parenting such as collecting and disseminating relevant information via print and electronic publications, generating new knowledge through research and surveys, or building and fostering interdisciplinary and international networks to facilitate the exchange of information and knowledge between researchers and practitioners. ICSP shall organize meetings, conferences and congresses and serve as an interlocutor for all parties interested in shared parenting as well as policy-makers and media, based on scientific evidence compiled and made available to the public through a web-based platform.

In order to fulfill its tasks, ICSP will make use of auxiliary persons in the sense of § 57 paragraph 1 sentence 2 of the German fiscal code insofar as it doesn't carry out the tasks itself.

The association is independent as regards party politics and denomination.

Article 3

The association exclusively and directly pursues charitable goals in the sense of the chapter “Tax-privileged purposes” of the German fiscal code. It acts selflessly and does not primarily pursue goals serving its own economic interests.

Financial means may only be used for statutory goals. Members of the association may not receive any grants from financial means of the association.

No person may enjoy privileges from expenses that are not related to the purpose of the association or from disproportionately high compensation.

Article 4

The fiscal year of the association is the calendar year.

II. Membership

Article 5

ICSP is composed of natural persons committed to the purpose of the association from the following sectors:

- science,
- family professions, and
- civil society.

The number of Members from each sector shall be at least 25% of the total number of Members.

Applications or recommendations for membership shall be made in writing to the Secretary General who will submit them to the Board of Directors for consideration.

The adoption of a new Member shall be approved or rejected by the Board of Directors with a simple majority of the votes cast.

The Secretary General gives notice in writing to each candidate of the approval or the rejection of adoption as a new Member. The association is not bound to give reasons for a refusal.

Article 6

Each Member has one vote at the General Assembly.

Article 7

Members are free to withdraw from ICSP at any time by sending a letter to the Secretary General. The Board of Directors has to be informed. Resignation will become effective at the end of the fiscal year in which the resignation has been received.

Article 8

The expulsion of a Member may be decided by the Board of Directors with a two-thirds majority, after having heard the Member's defense that shall be given within a deadline of four weeks.

Reasons for expulsion include, but are not limited to, serious infringements of the by-laws, and arrears of membership fees in spite of a reminder.

Article 9

The termination of membership does not release the Member from any obligations towards ICSP. A claim for refunding of membership fees already paid does not exist.

Article 10

The Board keeps a Register of the Members with the following particulars:

- full name of the Member,
- address of the Member,
- educational/professional background of the Member,
- experience/interest/activities of the Member in shared parenting,
- entry date of the Member, and
- date of termination of membership.

III. Bodies of ICSP

Article 11

Bodies of ICSP are:

- a) the General Assembly, and
- b) the Board of Directors.

IV. General Assembly

Article 12

The General Assembly has all the powers for the accomplishment of the objectives of ICSP. It has sole competence to decide on:

- modifications of the by-laws,
- election and expulsion of Directors and the Secretary General,
- approval of statement of accounts,

- approval of planned budget and determination of membership fees,
- discharge of liability of the Board of Directors,
- dissolution of ICSP, and
- approval of internal rules.

Article 13

The General Assembly shall meet every year as a rule. The President or on his/her behalf the Secretary General convenes all meetings of the General Assembly.

An extraordinary meeting of the General Assembly may be convened by the President or on his/her behalf by the Secretary General, if the interests of ICSP so require. It can also be convened on request of at least one third of the Members.

The written invitation to the meeting including the draft agenda proposed by the Board of Directors shall be mailed by the Secretary General to all Members at least twenty-one days before the date of a regular meeting of the General Assembly and at least eight days before the date of an extraordinary meeting of the General Assembly. The invitations are delivered by post, fax or e-mail.

Members may submit proposals for the agenda to the General Secretary not less than fourteen days prior to the General Assembly; the General Assembly decides upon the agenda at the beginning of the meeting.

General Assemblies may be held as phone or web conferences. The attendees of such a meeting are deemed to be present in person.

Article 14

A meeting of the General Assembly is validly constituted by the Members being present or represented.

Any Member has the right to participate in the General Assembly through an appointed other Member with a written power of attorney. One Member may hold not more than two proxies.

Decisions are made by vote, details are provided in the rules of procedure.

Unless otherwise stated in these by-laws, all decisions are taken by simple majority of the votes cast by the Members present or represented.

In lieu of a meeting of the General Assembly, a written resolution may be adopted by the General Assembly, if such a resolution is sent to all Members and signed within a deadline fixed by the President. The requirements of quorum and vote cast are the same in case of a written resolution.

The General Assembly is chaired by the President or, in his/her absence, by a Vice-

President. If neither is available, the General Assembly is chaired by a Director or the Secretary General to be elected from amongst those present at the meeting.

Article 15

As an exception to Article 14, the General Assembly may deliberate in the following cases only if two-thirds of the Members are present or represented, and the decision can be taken only by a two-thirds majority of the votes that shall be cast by secret ballot:

- election and expulsion of Directors or of the Secretary General.

Article 16

Any proposal to change the by-laws or to dissolve ICSP must be submitted by the Board of Directors or at least one third of the Members.

The Board of Directors shall inform the Members at least twenty-one days in advance of the date of the meeting of the General Assembly which will decide on the proposal, together with information on the proposed changes.

The General Assembly can validly decide on the proposals only if two-thirds of the Members are present or represented by written proxy, and two-thirds of the Members who are present or represented approve the proposals. Otherwise a further meeting of the General Assembly shall be convened not sooner than fifteen days after the first meeting.

Article 17

The minutes of the meetings of the General Assembly are signed by the President and the Secretary General and kept in a record. The minutes of the meetings of the General Assembly will be made available to all Members by the Secretary General.

V. Board of Directors

Article 18

The Board of Directors consists of thirteen Members:

- four Directors from the sector of science,
- four Directors from the sector of family professions,
- four Directors from the sector of civil society, and
- the Secretary General.

The Directors and the Secretary General shall be elected by the General Assembly for the term of office of two years renewable. Each year, half of the Directors of each

sector shall be elected. As an exception, in the first year of existence of the association, half of the Directors of each sector shall be elected for the term of office of two years, the other half of the Directors and the Secretary General shall be elected for the term of office of three years.

The President and the two Vice-Presidents shall be Directors from different sectors and shall be elected by the General Assembly for the term of office of two years renewable. As an exception, in the first year of existence of the association, the President and one Vice-President shall be elected for the term of office of two years, the other Vice-President shall be elected for the term of office of three years.

The President, the two Vice-Presidents and the Secretary General are individually authorized to represent ICSP according to § 26 BGB (German Civil Code).

If a Board Member retires within the term of office, the Board of Directors may appoint a substitute until new elections take place.

A Board Member may be dismissed by the General Assembly with a two-thirds majority of the votes cast.

The Board Members shall work in a voluntary capacity. They do not incur, as far as this is legally valid, any personal liabilities when acting on behalf of ICSP within the scope of these by-laws.

Article 19

The President or on his/her behalf the Secretary General convenes all Board meetings. The invitations are delivered by post, fax or e-mail.

The Board is considered to have a quorum if more than half of the Board Members attend.

Board Members may attend in person, by phone or by web conference.

In lieu of a meeting of the Board, a written resolution may be adopted by the Board.

Board Members who are not able to attend a Board meeting may be represented by other Board Members, provided that this has been notified to the President or the Secretary General. No Board Member shall represent more than one other Board Member.

Resolutions of the Board are decided by a simple majority of those attending, but require at least one third of the total number of Board Members.

Article 20

The Board of Directors has the power to decide on all issues which are not reserved to other bodies by operation of the law or by these by-laws. It submits proposals to

the General Assembly on how the objectives of ICSP can be attained and implements the resolutions of the General Assembly.

In particular, it rests with the Board to:

- receive, consider and decide on applications or recommendations for membership,
- propose the membership fees,
- appoint Committees and Task Forces, and to
- draw up the budget.

Article 21

The Board meetings are officially recorded in the minutes, signed by the President and the Secretary General and kept in a special register.

VI. Secretary General and Delegation of Powers

Article 22

The Secretary General is member of the Board of Directors according to Article 18 and is responsible for convening the General Assembly and the meetings of the Board of Directors as well as for the general operations and administration of ICSP.

The Board of Directors may delegate powers to the Secretary General and to Committees of ICSP whenever this is useful for the attainment of the objectives of the association.

VII. Budget, Financial Statements, and Membership Fees

Article 23

The Board of Directors shall give in writing an account of the development of the assets as well as of the proceeds and expenditures. It shall elect an Audit Committee consisting of two Directors to control the proceeds and expenditures yearly. The result shall be submitted to the General Assembly for approval.

The membership fee is determined annually for the following year by the General Assembly on proposal of the Board of Directors.

VIII. Dissolution

Article 24

The General Assembly may at any time decide to dissolve the association according to Article 16 of these by-laws. If the association is dissolved or if tax-privileged goals

cease to apply, the assets of the association will be transferred to a legal person under public law or to any other tax-privileged corporation, with the purpose of the promotion of education, preferably in the sense of the purpose of the association.
