



FAMILY CONSTITUTION

Tips & Best Practices for Getting Started

A Family Constitution is simply a document that explicitly states your family's values, assumptions, and understandings about how your family business operates. As your family grows and the business is passed down through generations, it will become trickier to keep all family members on the same page if these foundational assumptions and ideas are not written down. Your constitution can and should continue to develop over time to accommodate changes and growth in your family business and the ownership team.

Specific sections are unique to each family, but the outline below gives a general guide of sections to include and topics to cover within each section as it pertains to you. Statements about overall strategy and philosophy you'd like future generations to follow, a brief history of the family, and/or traditions that are highly valued can also be considered.

Sample Outline

1 Our Purpose

- Mission
- Values
- Family Commitment Pledge
 - How should family members treat each other?

2 Ownership Governance

- Who can be an owner in the family business? In-laws? Children?
- Can family members not active in the business still own?
- Do you have an ROI/dividend policy?
- What decisions do owners make versus management?
- How is ownership transferred?

3 Family Governance

- Do you have a family council?
- How do family members interact with the business(es)?
- What positions do family members hold on the board?
- How are family members appointed to the board?
- Are there family policies that need to be detailed?
 - Employment requirements?
 - Philanthropy goals/scope?
 - Education of the next generation?

Specific policies to consider, including:

- Structure of family business (board of directors, family advisory council) and roles and responsibilities of each.
- How are family members hired, compensated, evaluated and terminated if necessary?
- How are family conflicts resolved?
- Stock buy-sell processes and policies. Who can own, how is it transferred, when can it be done?
- Policies on marriage and involving in-laws in the business and ownership.
- How does the family constitution get updated?

Business Family Trust Constitution Documents

DJ Losen



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