

Frequently Asked Questions (FAQ) – Youth Serving as Board Members

Are minors legally permitted to serve on a board of directors in Washington State?

Washington law prohibits young people under the age of 18 from serving as an incorporator of a new nonprofit. See [RCW 24.03.020](#). But there is no clear law in Washington State that otherwise permits or prohibits youth service on a board of directors. Several other states have clear regulations on this matter. Because Washington does not have an applicable law on this matter, it is unclear whether Washington would permit such board membership. For this reason, nonprofits should be wary of including youth in their board of directors.

Can a nonprofit board be subject to risk if it includes a minor on the board of directors?

Yes. Youth service on a board subjects nonprofits to many potential risks. These risks include:

- Washington law does not prohibit youth service on a board, but it does not affirmatively permit it either. This is a grey area of the law and subject to interpretation. Board members have fiduciary duties of care and loyalty. Board members must perform their duties “in good faith, in a manner such director believes to be in the best interests of the corporation, and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.” [RCW 24.03.127](#). If board members allow minors to serve on the board, that could be considered a breach of the duty of care.
- Contracts signed by minors under the age of 18 are voidable, meaning that in certain circumstances the contract could be legally unenforceable.
- A nonprofit board must be composed of members who are capable of complying with the law. If a board has noticeable youth leadership, the federal government has authority to revoke charitable status under the assumption that the board would be incapable of complying with the law.
- Directors & Officers (D&O) insurance policies may exempt minors from coverage. This will depend on each insurance provider.
- Minor labor laws are strict. Boards should not consider involving minors under the age of fourteen. Minors over fourteen years of age are subject to greater labor laws than the typical adult. Consult an attorney to advise you in this area before including youth on a board.

Can a nonprofit board obtain insurance to mitigate the risks of having a minor under the age of 18 serve on a nonprofit board?

It depends. Some risks could be mitigated through insurance. Each insurance carrier is different, so whether your carrier covers youth board service will depend on the insurance carrier you use.

Fundraising is important for our nonprofit. Are there any concerns with including a minor as a board member and attendee of a fundraiser?

Minors cannot participate in various activities, including gambling activities such as some raffles, bingos, or casino nights. If alcoholic beverages are being given as prizes, the organization should not include a minor. Minor participation in fundraising activities with alcohol present could be risky for the Board. Consider all these matters before including a minor.

Are there tax implications for a minor under the age of 18 to serve on a nonprofit board?

Possibly. The IRS has the power to rescind 501(C)(3) status to nonprofits if it is concerned that the board will not be capable of complying with the law. If the board structure includes several minors, that structure may call into question whether the board is capable of compliance.

How can our board include minors with minimal risk?

Youth board membership is risky, but there are plenty of options for including youth in your organization. Some options for minors include:

- Invite minors to regularly attend and participate in board meetings as non-voting guests and observers;
- Develop a non-binding advisory board and inviting youth members to join the advisory board and provide strategic advice to the organization's leadership;
- Create a committee or a task force and invite minors to lead or participate in the group; or
- Cultivate mentorship opportunities between youth and board members or leaders in the organization.

Rather than precluding youth involvement altogether, boards should consider the many opportunities to include minors in their day-to-day programs and discussions.