

Recommendation to General Council for Submission to and Adoption by Mission Presbytery A Way Forward Together as Mission Presbytery

General Council moves the adoption of the Introduction and three documents as the beginning of a comprehensive approach to going forward together as Mission Presbytery. The documents come from three separate and distinct sources and have been developed in response to the dis-ease within our Presbytery which resulted from recent changes to the Constitution (Book of Order) of the Presbyterian Church (U.S.A.) Each has been advised by the presentations and table discussions at listening sessions and the called meeting of Mission Presbytery on September 17, 2001.

In presenting these as policies, the General Council re-affirms that congregations through their elected elders have the exclusive right to nominate, examine and elect ruling elders and deacons, and that a congregation, in concert with the individual pastor and with concurrence of the Presbytery, has the exclusive right to call teaching elders (pastors). This means that neither presbytery nor any other council can impose a candidate for deacon, ruling elder or teaching elder (pastor) on any congregation.

From these separate origins, each proposal takes the stance that **we desire to remain together** as Mission Presbytery, seeking to be a reformed witness to the Good News of Jesus Christ. These documents provide a framework for our work together, seeking to create a place to stand for all the congregations and members of our presbytery. Each is offered with the understanding that “matters of conscience” are not the exclusive concern of any particular biblical or theological perspective. Thus, the concept of “forbearance” and trust is an underpinning within each document.

- I. Introduction (Toward a Better Understanding of the Issues)
- II. “Living Together in Diversity – A Covenant Among Ourselves”
- III. Report of the Ad Hoc Committee of the Committee on Ministry (Ordination Questions)
- IV. Process for Pastoral Responsibility, Accountability and Gracious Witness to Congregations at Times of Division, Dismissal or Dissolution. (Gracious Separation)

The General Council will establish “Education Teams” which will be dispatched at no cost to local congregations (upon request) in order to facilitate the process of discussing and defining their local norms for ordination and calling of ruling and teaching elders in accord with the Constitution of the Presbyterian Church (U.S.A.).

As you study these proposals, we invite your special attention to Appendix II -- “Living Together in Diversity – A Covenant Among Ourselves” which is designed to provide assurances that there is a place for each of us as we go forward into these uncertain times. Each of us is called “do those things necessary to the peace, purity, unity, and progress of the church under the will of Christ. [We each] have responsibility for the leadership, guidance, and government of [our] portion of the church that is under [our] jurisdiction.” (*G-3.0102 Ecclesiastical Jurisdiction*)

May God bless us, each and every one.

Appendix I -- Toward Better Understanding the Recent Constitutional Changes

Now that the new Form of Government has taken effect, many questions are arising. How will we live together in Mission Presbytery in the changing environment?

WHAT IS BEING CHANGED?

The **previous** text of G-6.0106b read:

Those who are called to office in the church are to lead a life of obedience to Scripture and in conformity to the historic confessional standards of the church. Among these standards is the requirement to live either in fidelity within the covenant of marriage between a man and a woman (W-4.9001), or chastity in singleness. Persons refusing to repent of any self-acknowledged practice which the confessions call sin shall not be ordained and/or installed as deacons, elders, or ministers of the Word and Sacrament.

The text which replaced this paragraph reads:

Standards for ordained service reflect the church's desire to submit joyfully to the Lordship of Christ in all aspects of life (G-1.0000). The governing body responsible for ordination and/or installation (G-14.0240; 14.0450) shall examine each candidate's calling, gifts, preparation, and suitability for the responsibilities of office. The examination shall include, but not be limited to, a determination of the candidate's ability and commitment to fulfill all requirements as expressed in the constitutional questions for ordination and installation (W-4.4003). Governing bodies shall be guided by Scripture and the confessions in applying standards to individual candidates.

The most obvious change from our current standards is that the proposed language eliminates reference to sexual behavior as an explicit standard for ordained office in the church. That represents a significant change in the church's polity since 1997, when the current language was adopted. Prior to 1997, the *Book of Order* contained no explicit language addressing sexuality or sexual practice as part of the standards for ordination or installation.

WHAT DOES THE NEW LANGUAGE SAY?

1. It affirms that ordained service in the church reflects a desire to submit one's self joyfully to the authority and Lordship of Jesus Christ. This is a deliberate reference to one of the first things our polity says, in G-1.0100d:

In affirming with the earliest Christians that Jesus is Lord, the Church confesses that he is its hope and that the Church, as Christ's body, is bound to his authority and thus free to live in the lively, joyous reality of the grace of God.

While not a standard for ordination *per se*, this sentence sets the tone for the rest of the paragraph, reminding the church that the heart and soul of ordained ministry is the joyful placement of one's life at the disposal of Jesus Christ in worship and service.

2. It makes clear that **responsibility for examining a candidate for ordained ministry rests with the session (for ruling elders and deacons) or presbytery (for teaching elders or ministers of the Word and Sacrament)**. This, too, is a deliberate reference to provisions of our polity about the conduct of examinations. These bodies are charged to assess the candidate's readiness to assume ordained office on the basis of their personal faith, knowledge of the doctrine and government, and discipline contained in the Constitution of the church, and the duties of the office. **This requirement is not new**; it has been part of our polity since the beginnings of Presbyterianism in this country, and it is currently the case.
3. It mandates that the session or presbytery examination shall include, at a minimum, a determination that the candidate is both able and committed to fulfill all the requirements expressed in the ordination questions every church officer must answer prior to ordination or installation. The questions for ordination are found in the section W-4.4003 of the *Book of Order*.

4. The session or presbytery has a positive obligation under the terms of this paragraph to assess a candidate's commitment to these standards, including whether a candidate's beliefs and/or manner of life are sufficiently in accord with these standards as to make it reasonably likely that he or she will be able to meet them.
5. It mandates that the session or presbytery is itself to be guided by Scripture and the confessions as it applies the standards of the constitutional questions for ordination to particular candidates. This sentence invokes the language of the **Adopting Act of 1729**, perhaps the oldest statement of reconciliation in Presbyterian history in this country. Used to reconcile deep and painful differences in the church about standards and expectations of ministers, **it enabled Presbyterians to come together beyond their disagreements and find a way forward in common ministry** on the burgeoning American frontier.

The implication of this sentence is that the **session or presbytery must determine what it understands Scripture and the confessions to say with regard to the commitments being required in the ordination questions. On the basis of that understanding, the session or presbytery can then assess the candidate's ability and intent to live out those commitments**, as indicated in #3 above.

WHAT IMPACT WILL THESE CHANGES HAVE ON THE PRACTICE OF SESSIONS AND THE PRESBYTERY?

Greater significance of responsibility to examine candidates: Obviously the new language of G-2.0104b raises the importance of the examination of candidates. The sessions or presbytery will need to pay careful attention to its process of examination to ensure that it is thorough and fair, and that it addresses matters covered in the ordination questions in W-4.4003.

Ordination is not a "right" of membership. It is rather a spiritual calling that is discerned by the individual, but is **always subject to the approval of a community of God's people and the concurring judgment of the session or presbytery**. No session or presbytery can be "forced" to ordain a person, and no congregation or presbytery is required to elect a person to serve as deacon, ruling elder, or teaching elder simply because that person has been so ordained at another time or by another session or presbytery. The election of God's people and the concurrence of a session or presbytery after examination of the candidate remain essential elements of the ordination and/or installation process.

Re-emphasis on importance of G-2.0104a: The paragraph immediately previous to the one presently under consideration, G-2.0104a, contains important language about the personal characteristics of those called to service in the church's ordered ministries of deacon, ruling elder, and teaching elder. The paragraph reads:

To those called to exercise special functions in the church—deacons, elders, and ministers of the Word and Sacrament—God gives suitable gifts for their various duties. In addition to possessing the necessary gifts and abilities, natural and acquired, those who undertake particular ministries should be persons of strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord. Their manner of life should be a demonstration of the Christian gospel in the church and in the world. They must have the approval of God's people and the concurring judgment of a governing body of the church.

This paragraph lifts up three characteristics that each deacon, ruling or teaching elder must possess: strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord. It further requires that the way in which the candidate lives must demonstrate the gospel both within and outside the church. These qualities and characteristics remain unchanged as qualifications for ordered ministry in the Presbyterian Church (U.S.A.).

In recent years, the attention to the more explicit language of the former G-6.0106b about sexuality and ordination has perhaps led sessions and presbyteries to ignore the importance of G-2.0104a. But the language of G-2.0104a is a helpful guide to the session or presbytery as it assesses a candidate's suitability for ministry and should be attended with much greater care.

Adoption of previous G-6.0106b as additional requirement: Some have asked whether a session or presbytery may adopt the recent language of G-6.0106b as an additional standard for ordained service within that congregation or presbytery. The answer is no. Our polity has maintained that “no lower governing body can constitutionally define, diminish, augment, or modify standards for ordination and installation of church officers.”¹ This means **that no session or presbytery may adopt additional requirements other than those stated in the Book of Order that apply to all candidates, or to all candidates in a particular category or class.** However, sessions may inquire about matters of “lifestyle” which may be of importance **to their congregation.** (See below)

Interpretation of Scripture and the Confessions: We have already noted that the new language will require the session or presbytery to evaluate a candidate’s suitability for office on an individual basis. In doing so, sessions and presbyteries typically will examine a candidate and determine if the candidate’s manner of life is consistent with the session or presbytery’s understanding of the gospel. As it defines that understanding, a session is to be guided by its interpretation of Scripture and the confessions of the church. It is therefore appropriate that a particular session or the presbytery might (or might not) find that Scripture and the confessions require that persons to be ordained or installed must lead lives of fidelity in marriage or chastity in singleness, and then apply that finding as it examines each particular candidate. There is an important limitation here, however: **Neither a particular session nor the presbytery is permitted to adopt a policy that binds future assemblies of that session or presbytery to their interpretation, or one that disqualifies a category of persons from office without individual examination.**

For example, a session has determined, after careful study and prayer, that it interprets Scripture and the Confessions to require either sexual fidelity within heterosexual marriage or chastity in singleness. A session is within its rights so to determine, since the final sentence of the proposed language specifically requires that the session “shall be guided by Scripture and the Confessions” as it applies the constitutional standards in examining candidates. The session may not, however, decide in advance and without individual examination, that any particular candidate for ordination or installation does not meet these standards, nor may it declare as a general principle that a class or category of persons (such as all homosexual persons) are ineligible for ordination or installation.

If a candidate is presented to the session for examination, and that candidate acknowledges that he or she is sexually active outside marriage, the session must (1) examine the candidate and hear the answers he or she makes to specific questions about faith, discipleship, and manner of life, (2) hear any objections of conscience to provision of the Constitution the candidate may offer, and 3) determine if those objections constitute in its view a violation of an essential element of Reformed faith or polity. Only then can the session determine whether or not it believes that the candidate, in light of his or her statements, has “the ability and commitment to fulfill all the requirements as expressed in the Constitution.”

Suggested areas of examination: See Appendix III in General Council Proposal.

SUMMARY The new language of G-2.0104b places squarely on the shoulders of the session or presbytery the burden of conducting thorough and insightful examinations of those elected to the church’s ordered ministries. As it is adopted, the session or presbytery must take seriously its responsibility to ensure that those who serve in these ministries are “persons of strong faith, dedicated discipleship, and love of Jesus Christ as Savior and Lord,” and whose lives are “a demonstration of the gospel in the church and in the world.” The session or presbytery must assure itself through its examination that a candidate for ordination or installation is both able and ready to live out the commitments made in affirmative answers to the ordination questions. And in making this determination, the session or presbytery has both the right and the responsibility to decide for itself what guidance Scripture and the Confessions provide in evaluating a candidate’s readiness for ordination and/or installation.

Together, we can move forward as Mission Presbytery, seeking God’s guidance as we work together to send forth disciples.

¹ See *Barlow J. Buescher v. Presbytery of Olympia*, Remedial Case 218-09 and *Bush, et. al. v. Presbytery of Pittsburgh*, Remedial Case 218-10.

Appendix II

“Living Together in Diversity -A Covenant Among Ourselves” “Honoring Local Church Sentiment within G-2.0104a and b”

The purpose of this “Living Together in Diversity” proposal is for Mission Presbytery to take affirmative steps to allay the fears of congregations and individuals concerned that the new provisions of G-2.0104 may create a crisis of conscience. We begin with this certainty from *The Foundations of Presbyterian Polity*.

No entity can force a congregation to call any pastor, nor can they appoint a minister without consent of the congregation. Likewise, no council can force the presbytery to approve/disapprove the call to a teaching elder (Minister of Word and Sacrament) who becomes a member of the Presbytery. (F-3.0105, F-3.0106)

We also note that “no person can be placed in any ordered ministry in a congregation or council of the church except by election of that body. . . . The call to ordered ministry in the Church is the act of the triune God. This call evidenced by the movement of the Holy Spirit in the individual conscience, the approval of a community of God’s people, and the concurring judgment of a council of the Church.” (G-2.0102 & G-2.0103) Note: Session is a council of the church.

Under this provision, Mission Presbytery commits to honoring a congregation’s local norms and expectations in the selection and examining process of teaching and ruling elders. This will be accomplished using the existing mechanisms of Personal Information Forms, Church Information Forms and suggested examination questions for teaching elders, ruling elders and deacons. By allowing local congregations to articulate their expectations of church officers in the form of guidance to nominating and search committees, Mission Presbytery covenants to honor the application of ordinations standards in any matter not expressly prohibited in the Constitution.

The session or presbytery must assure itself through its examination that an individual candidate for ordination or installation (or presbytery membership in the case of teaching elders without a call) is both able and ready to live out the commitments made in affirmative answers to the ordination questions. In making this determination, the session or presbytery has both the right and the responsibility to decide for itself what guidance Scripture and the Confessions provide to the examining body in evaluating a candidate’s readiness for ordination and/or installation.

This provision to honor local norms (not contrary to the Constitution) has the additional benefit of allowing each congregation to make a public statement to one and all (especially non-believers) that: (a) This is what we (local church) believe; (b) Others may see it differently; and yet ; (c) We are joined with them as one Body of Christ to protect our right to exercise our beliefs and for all to do the same (all within The Book of Order, each guided by Scripture and The Confessions, as we interpret them).

Furthermore, Mission Presbytery commits to establishing “Education Teams” which will be dispatched at no cost to local congregations (upon their request) in order to facilitate the process of discussing and defining their local norms for ordination and calling of ruling and teaching elders in accordance with the Constitution of the Presbyterian Church (U.S.A.).

Appendix III – Report of the Ad Hoc Committee of the Committee on Ministry Suggested Areas for Examination for Ordination or Installation

Suggested areas of examination: This list is not intended to be exhaustive but suggestive of the areas a session or the presbytery might find helpful in examining candidates. The session and presbytery are encouraged to develop their own lists of questions, bearing in mind always that each candidate's answers must be heard and evaluated individually. These suggestions come from the ad hoc committee on examination guidelines appointed by the Committee on Ministry. COM has adopted these for immediate use. Members of the ad hoc committee are: Co-chairs Lynda Dinsdale and Linda Tyler, David Duncan, Becky Graham, James Lee, Malcolm McQueen, Tony Reyes, Ruthie Seiders, and Wally Warrenburg

Examinations Process:

The examinations committee would normally and routinely request every candidate to respond to each of the ordination/constitutional questions asked of Teaching Elders. Under each constitutional question, the Ad Hoc Committee offers additional questions to help the examinations committee elicit responses from candidates. It is not expected that every question be asked, nor in its exact form. It is the intent, however, for every candidate to respond to each ordination/constitutional question in such a way that the examinations committee believes it has sufficient clarity and understanding about a candidate's core convictions.

Constitutional Question A: *Do you trust in Jesus Christ your Savior, acknowledge him Lord of all and Head of the Church and through him believe in one God, Father, Son and Holy Spirit?*

- Describe a time in your life when you have put your trust in Jesus Christ.
- How would you explain the Trinity to a confirmation class?
- How would you tell a non-church member how Jesus is present in the church?
- What does the language, "Jesus Christ your Savior, Lord of all and Head of the Church" mean to you?

Constitutional Question B: *Do you accept the Scriptures of the Old and New Testaments to be, by the Holy Spirit, the unique and authoritative witness to Jesus Christ in the Church universal, and God's word to you?*

- *Explain your understanding of the Bible as an authority to you in your life and ministry.*
 - Explain your interpretive method for the Bible; your basic approach to how you interpret the Bible.
 - Your *Statement of Faith* will be shared with the Presbytery through publication and/ or reading on the floor of Mission Presbytery, Be prepared to clarify and support what you have written. A question we have from your Statement of Faith is ...
 - Where is Jesus Christ authoritative in your life? Please define with an example.(i.e., prayer, Bible study, sacrament, worship)
 - What is one of your favorite scripture texts and why?

Constitutional Question C: *Do you sincerely receive and adopt the essential tenets of the Reformed faith as expressed in the confessions of our church as authentic and reliable expositions of what Scripture lead us to believe and do, and will you be instructed and led by those confessions you lead the people of God?*

- What do you understand as essential tenets based on the *Book of Confessions*?
- How do you see yourself being instructed and led by the *Book of Confessions*?
- Is there an essential tenet or tenets with which you most struggle with in your life?

Constitutional Question D: *Will you fulfill your ministry in obedience to Jesus Christ under the authority of Scripture, and be continually guided by our confessions?*

For those already ordained:

- Please describe an example from your ministry when a decision you made:
 - o was done in obedience to Jesus Christ,
 - o was based on the authority of Jesus Christ,
 - o was guided by the *Book of Confessions*.

Constitutional Question E: *Will you be governed by our church's polity, and will you abide by its discipline? Will you be a friend among your colleagues in ministry, working with them, subject to the ordering of God's Word and Spirit?*

- In your thinking about our church's polity, do you take issue with anything?
- How have you used our church's polity to further the mission of the church?
- What do you do when you disagree with our church's polity?
- What gifts will you bring to Mission Presbytery?
- How will you participate in Mission Presbytery and engage your congregation?
- What does "being a colleague" in ministry mean to you (Ruling and Teaching Elders) even when differences arise as to "truth and form"?
- Describe your previous participation in presbytery. Share good or bad experiences.

Constitutional Question F: *Will you in your own life seek to follow the Lord Jesus Christ, love your neighbors, and work for the reconciliation of the world?*

- Where is Jesus Christ authoritative in the life of the church?
- How do you seek to follow Jesus Christ in your life?
- How do you, in practical ways, love your neighbor?
- What is foundational to you in working toward reconciliation?

Constitutional Question G: *Do you promise to further the peace, unity and purity of the church?*

- *How in your life have you worked to further the peace, unity and purity of the church?*

Constitutional Question H: *Will you pray for and seek to serve the people with energy, intelligence, imagination and love?*

- What gives you energy and joy in your ministry?
- When energy and Joy wane, what renews you?
- Where do you find Sabbath rest?
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Constitutional Question I (3) (For teaching elder) *Will you be a faithful teaching elder, proclaiming the good news in Word and Sacrament, teaching faith and caring for people? Will you be active in government and discipline, serving in the councils of the church; and in your ministry will you try to show the love and justice of Jesus Christ?*

- * Of all the responsibilities involved in this call, where do you experience God's joy or God's pleasure?

Appendix IV – Gracious Separation, prepared at the request of General Council by an ad hoc committee whose members are: Dan Milford, Larry Coulter, Joe Pat Nance, Fred Morgan, Dan Fultz and Miles White

PROPOSED
MISSION PRESBYTERY POLICY

PROCESS FOR PASTORAL RESPONSIBILITY, ACCOUNTABILITY AND GRACIOUS WITNESS TO
CONGREGATIONS AT TIMES OF DIVISION, DISMISSAL, OR DISSOLUTION

PREAMBLE

The mission of Mission Presbytery is to serve God as a unique expression of the body of Christ in South Texas. As faithful stewards of God's gifts, we proclaim the gospel of Jesus Christ by fulfilling the mandates of the *Book of Order*, encouraging and supporting congregations in mission and ministry and doing together what we cannot do alone. This responsibility includes ministries of reconciliation when a congregation questions PC (USA) doctrine, policy or practice to the extent that disaffiliation from the denomination is being discussed or considered. Dismissal may only be to a Reformed denomination recognized by the PC (USA).

We recognize that we live in a time when our unity in Christ is being tested and our ability to work together in mission is being tried. We covenant that even in times of disagreement and conflict we will seek to uphold one another, build up one another, respect one another, and love one another, to the end that the mission of Christ be fulfilled. Together we seek to further the peace, unity, and purity of the church, minimizing confrontations while we seek to discern and follow the will of Christ.

The 218th General Assembly (2008) expressed its will that presbyteries and synods make available to lower governing bodies and local congregations a process that exercises the responsibility and power to “control the location of new congregations and of congregations desiring to move as well as to divide, dismiss, or dissolve congregations in consultation with their members” (*Book of Order*, G-3.0303b), with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.” In response, this policy is hereby established by Mission Presbytery, in the fervent hope that its use shall never be necessary.

It shall be the policy of Mission Presbytery to treat decisions of a congregation considering or seeking disaffiliation¹ as a matter for pastoral care. Our *Book of Order* reminds us that the civil power of the state should not be used to enforce the provisions of a religious constitution (F-3.0101b), and that our constitution sets forth the principle that our collective organization as worshipping community should not burden or infringe on existing property rights (Westminster Confession 6.148).

The Stated Clerk of the General Assembly has drawn the attention of the Church to the strong scriptural admonition (First Corinthians 6:1ff) against the use of civil lawsuits to settle issues of

dispute between believers, cautioning congregations and governing bodies alike to avoid civil cases. Accordingly, Mission Presbytery, by the means of this policy statement, covenants with its congregations that it shall not initiate civil lawsuits against congregations, their pastors and officers or members, where a congregation has pursued disaffiliation in accordance with *The Book of Order* and this policy statement, except for the purpose of collection of outstanding legal financial indebtedness (any existing loan) to the congregation in question by the Presbytery, Synod, or General Assembly.

It is the will of this presbytery to create both a setting and process of graciousness, in which the will of God is sought, in which reconciliation is the goal, and through which it will be accomplished with a graciousness befitting those who claim Jesus as Lord. With believers in every time and place, we rejoice that nothing in life or death can separate us from the love of God in Christ Jesus our Lord (Romans 8:38-39 – paraphrased).

Mission Presbytery asks that any session seeking or considering disaffiliation from the PC (USA) will covenant with Mission Presbytery to enter into a defined process of mutual discernment to determine God's purpose. To seek God's will requires significant time and energy. We believe that a matter of this magnitude deserves focused attention and prayer by the presbytery and the particular congregation whatever the specific outcome may be. This process should take no less than four months and may take more than one year.

In all matters relating to this subject, the following question will be deemed paramount: How is God leading this congregation and the presbytery to walk together into a future that honors Jesus Christ and strengthens both the congregation and the presbytery?

PROCESS

Listening Team: When the leadership of the presbytery becomes aware that there is conversation in the session or congregation about leaving the denomination, visitation will be offered to the session of a listening team appointed by the moderator of presbytery, the executive presbyter, and the stated clerk. This team will meet with the session to understand its concerns, to respond to them as appropriate, and to review the provisions of the *Book of Order* and this document with regard to disaffiliation. In this way, the presbytery will be given opportunity to exercise its pastoral responsibility for the welfare of congregations and to promote open communication.

Resolution Team: If the concerns of the congregation cannot be resolved by the listening team and the session indicates that the church wishes to pursue disaffiliation, the listening team (with any change deemed appropriate by the moderator of presbytery, the executive presbyter, and the stated clerk) becomes the resolution team. This resolution team will engage in a period of no less than three months of consultation including meetings with the session and meetings with the congregation. The purpose of these meetings will be to review the provisions of the *Book of Order* and this document with regard to disaffiliation and to answer questions from members of the congregation regarding options for disaffiliation of the congregation, and for the membership of those members who wish to remain in the Presbyterian Church (USA). In this way the session will provide the presbytery opportunity to exercise its responsibility as a partner with the session

in pastoral care to members of the congregation in what may be a difficult time in its life. At these meetings every good faith effort will be made to effect reconciliation in accordance with the *Book of Order*. The resolution team will report its findings to the session and Committee on Ministry (COM).

It is the expectation of Mission Presbytery that members of the resolution team, as well as members and officers of the congregation, shall work together in mutual trust, that they shall be open and honest with each other in all dealings, that they shall provide to each other all relevant and useful information and documents, and that the congregation's officers and pastor(s) shall refrain from any unauthorized, unilateral, changes in the way that their congregational property and assets are held or managed.

It is also the expectation of Mission Presbytery that at all times the rights and privileges of those members of the congregation who are in the minority with respect to views held about disaffiliation or related matters shall be affirmed and protected.

Teaching elders and ruling elders serving congregations requesting dismissal shall act in accordance with their ordination vows and the *Book of Order*. The presbytery will not seek removal of church officers solely because they are advocating for dismissal for their congregation.

Calling of a Congregational Meeting: If the resolution team, in consultation with the session, determines that there is a sufficient desire to petition presbytery for disaffiliation, the report to COM will include a request for permission to conduct a meeting of the congregation called and conducted by the presbytery so that the congregation can indicate by vote whether to request disaffiliation. Members of the resolution team will be invited to be present to offer pastoral care and prayer for the congregation and its members following the vote and to carry out the presbytery's responsibility to ensure that all those persons affected by disaffiliation have an opportunity to be heard on the subject.

The Congregational Meeting: The time, place, and purpose of the meeting shall be communicated to the congregation through a letter mailed to all members with 30 days' notice. It shall also be communicated through the normal channels of church communication (bulletins, worship announcements, newsletters, website, etc.)

The congregational vote to request disaffiliation shall be by secret ballot. The vote of a congregation is an advisory vote to the presbytery; therefore it is a request to the presbytery to be dismissed to a particular Reformed body. The quorum for such a meeting ordinarily shall be 50% of the members on the active roll. If the congregation votes to request disaffiliation by a vote of at least 75% of the congregation's members present and voting, and its leaders are willing to work in good faith toward a mutually-agreeable resolution, the resolution team shall work to facilitate an agreement regarding distribution of property between the group of members who wish to be disaffiliated and the group of members who wish to remain in the PC (USA). In advance of these negotiations, the presbytery trustees and presbytery council should make known to the resolution team expectations they have for the agreement. When disaffiliating a church with all or a portion of the property, a presbytery is required to give proper consideration to the

constitutional provision that all property is held in trust for the benefit of the PC (USA). (See G-4.0207) The clerk of session and pastor(s) of the departing church will assist the presbytery to make contact with members who wish to remain in a congregation of the PC (USA).

Disaffiliation is a major step in the life of a congregation and must not be entered into lightly. If the congregational vote does not attain the required 75% the resolution team will continue to work with the leadership of the congregation to support those members who desire to disaffiliate with the PC (USA) and to seek the peace and unity of the particular church. (See G-4.0207)

All parties are encouraged to demonstrate charity and forbearance during this process. A place shall be identified in advance for those in the minority to meet for prayer and support following the congregational vote.

If any member, present and voting, contests the regularity and constitutionality of the meeting, he or she may send the details of the allegation to the stated clerk of Mission Presbytery, who shall convene the Permanent Judicial Commission to render a decision within the timeframes and requirements set by the Book of Order (D-6.0202).

The Presbytery Meeting: Once the congregation has voted to request disaffiliation from the PC (USA) and the resolution team has negotiated terms for disaffiliation with the session, the presbytery will vote on accepting the terms of the negotiated agreement and the dismissal of the congregation. (G-3.0303b) To do this and maintain the trust and integrity of the process it is essential that the motion be a “thumbs up or thumbs down” vote. Renegotiation of the terms of dismissal through the use of amendments on the floor would essentially invalidate months of work between the resolution team and the congregation, and may damage the trust built between the presbytery and the congregation.

If there is a request from members loyal to the PC(USA) to remain in the denomination and in possession of the property, and the resolution team determines that a congregation intends to disaffiliate from the PC(USA) and its leaders are not willing to work in good faith toward a mutually-agreeable resolution, it shall recommend the formation of an administrative commission empowered to take all appropriate and necessary action in the presbytery’s stewardship of the congregation and the property. No final action of dissolution, disaffiliation, division through schism, or discipline shall be taken until the Presbytery in a full meeting shall approve such final action.

Should the congregation or its leadership refuse visits and discussion with the listening team and/or the resolution team, the council shall immediately recommend to the presbytery the formation of an administrative commission with authority to act for the presbytery in matters delegated to the administrative commission.

Congregational Vote for Negotiated Agreement: Following the presbytery’s approval of the negotiated agreement and disaffiliation of the congregation to another Reformed denomination, the congregation shall vote to approve the agreement. The congregational vote to approve the agreement shall be by secret ballot. The quorum for such a meeting ordinarily shall be 50% of the members on the active roll.

If the congregation votes to approve the agreement by a vote of at least 75% of the congregation's members present and voting, the agreement shall be considered ratified.

If the vote for the terms of disaffiliation, as worked out by the presbytery and the session, does not attain the required level of affirmative votes, the presbytery shall continue to work with the congregation with the goal of reducing dissatisfaction and enhancing the relationship between the presbytery and the congregation.

Dismissal to Independent or Non-Denominational Status: Mission Presbytery does not dismiss a church to an independent status. The proper procedure is to dissolve the church. This would allow the presbytery to sell the property to the congregation for fair market value or for the congregation to arrange to lease the property from the presbytery for a fair rental fee or other use of the property that aids the presbytery in its strategic mission of ministry in the name of Jesus Christ.

Administrative Commissions: This policy is designed to allow a congregation and the presbytery to walk through the entire process without needing the involvement of an administrative commission or the civil court system. An administrative commission could be formed if necessary at any time

APPENDIX 1

IF A PRESBYTERIAN CONGREGATION SHOULD CHOOSE TO LEAVE THE PC (USA) ISSUES FOR CONSIDERATION

In the historic language found in F-3.0101b, it is clear that our form of government respects the right of individual conscience and “the rights of private judgment, in all matters that respect religion, as universal and unalienable.” It is recognized also that Presbyterians may differ in their opinions. In matters of differences of opinion, “a majority shall govern” (F-3.0205). Dissents and protests and proposals for change are permissible, but defiance and schism are not permitted.

If a congregation seeks to leave the PC (USA), it is to be determined by the presbytery if the decision truly and accurately reflects the will of the majority of the members of the congregation and if so, whether there is a “loyal minority” of Presbyterians who do not choose to withdraw.

It is clear by the PC (USA) Constitution that “all property held by or for a particular church... is held in trust... for the use and benefit of the Presbyterian Church (U.S.A.) (G-4.0203)” and “that (t) he property of the Presbyterian Church (U.S.A.), of its councils and entities, and of its congregations, is a tool for the accomplishment of the mission of Jesus Christ in the world.” (G-4.0201) the “trust clause” provision has been affirmed by the Texas courts. (See also G-4.0204) “Property” is considered to be both real and “personal” property held by a particular church, including church records, financial assets, and intangible assets. The name of a PC (USA) congregation may not be continued to be used by a congregation which has withdrawn from the denomination without the permission of a presbytery.

“The relationship to the Presbyterian Church (USA) of a congregation can be severed only by constitutional action on the part of the presbytery (G-3.0303b). If there is a schism within the membership of a congregation and the presbytery is unable to effect a reconciliation or a division into separate congregations within the Presbyterian Church (U.S.A.), the presbytery shall determine if one of the factions is entitled to the property because it is identified by the presbytery as the true church within the Presbyterian Church (U.S.A.). This determination does not depend upon which faction received the majority vote within the congregation at the time of the schism.” (G-4.0207)

A presbytery has authority and responsibility for “the mission and governance of the church throughout its district” (G-3.0301) and has the power “to divide, dismiss, or dissolve churches in consultation with their members” and “to consider and act upon requests from congregations for permission to take the actions regarding real property as described in G-4.0208.”²

Practical Considerations:

Tax Status: A congregation which ceases to be a PC (USA) church is no longer included in the PC(USA)’s “group revenue ruling” by which a Presbyterian congregation is granted 501(c)(3) non-profit tax-exempt status. Such status is required not only for exemption from tax payments to state and federal authorities and the filing of certain tax forms, but is required also for real estate tax exemption, for U.S. Postal Service bulk mailing permits, for grant-making foundations, and for the receipt of many forms of grants and bequests. Gifts to a church which does not have valid tax-exempt status may not be claimed as charitable contributions. Legal and other services will be needed to secure new 501(c)(3) status.

Corporate Status: A congregation which ceases to be a PC (USA) church will need to revise its corporate status (which may require the filing of new articles of incorporation and bylaws.)

Insurance: Since many PC (USA) congregations have property and liability insurance which is available only to PC (USA) congregations, new insurance provisions may need to be made, and it is an unwise congregation which is uninsured for even a minute.

The Calling of Pastors: Once in a different Reformed body, the congregation will have to work within that system and its pool of candidates for the calling of pastors. That may prove to offer fewer resources and/or candidates than remaining in the PC (USA).

The Preparation of Candidates for Ministry: Once in a different Reformed body, the congregation will have to work within that system and its seminaries (or lack thereof) for the preparation of pastors. That may prove to offer fewer resources than remaining in the PC (USA).

APPENDIX 2

IF A TEACHING ELDER SHOULD CHOOSE TO LEAVE THE PC (USA) ISSUES FOR CONSIDERATION

A teaching elder of the PC (USA) is under the ecclesiastical authority of a presbytery. A teaching elder's ecclesiastical status is to be determined and approved by a presbytery and may not be "independent" of a presbytery.

A teaching elder's employment by a particular church may be only by a three-way contractual agreement between a teaching elder, a congregation, and a presbytery (in cases of called-and-installed pastoral relationships) or between a teaching elder, a session, and a presbytery (in cases of temporary pastoral relationships). The concurrence of all three bodies is required for an official pastoral relationship to exist.

While it is permissible for a teaching elder to be granted permission to labor outside the bounds of the Presbytery or beyond the jurisdiction of the church, it is made specific that "when a teaching elder accepts or continues membership of any character in another denomination, except as provided in this Constitution, the presbytery shall record the fact and delete the teaching elder's name from the roll. (G-2.0509)

"When a teaching elder persists in a work disapproved by the presbytery having jurisdiction, the presbytery shall consult with the teaching elder and shall give notice of its disapproval. If after having been provided opportunity for consultation and upon written notice of its disapproval, the teaching elder persists in the work, the presbytery may then conclude that he or she has renounced the jurisdiction of this church" (G-2.0509), and the governing body may remove the minister from the roll of the governing body. The 2004 General Assembly adopted specific procedures regarding the implementation of the provisions of G-2.0509, but it is a presbytery alone which has authority in matters regarding the membership of ministers.

Practical Considerations:

A teaching elder considering departure from the PC (USA) is advised and encouraged to consult with counsel regarding the provisions of the Board of Pensions plan (which are available at <http://pensions.org/library/publications/rules.htm>) and to consult also with legal and tax professionals regarding the special tax issues which relate to clergypersons.

Pension: A teaching elder's pension benefits are "vested," and a member (or survivor of a member) of the Presbyterian Board of Pensions' plan has a non-forfeitable right to receive a retirement pension based on contributions and increases once pension credits are vested. However no future contributions may be added to the plan.

Medical Insurance/Death-and-Disability: The Board of Pensions' major medical plan and death-and-disability provisions require active participation in the plan, and participation is not available to teaching elders who are not on the roll of a presbytery. A member may be eligible to

purchase continuation of medical benefits for a limited duration. Life (death) insurance and disability insurance policies are available commercially at varying rates.

Tax Issues: A teaching elder is entitled to certain income-tax benefits and provisions due to his/her ecclesiastical status in the PC (USA). An “independent” minister may or may not be entitled to such benefits and provisions.

Insurance: A teaching elder no longer serving a PC (USA) congregation or no longer on the roll of the PC (USA) should make arrangements for professional liability insurance coverage if continuing to engage in professional ministry.

Immigration Status: An teaching elder who is no longer working in a church of Mission Presbytery and who is in the country for the purpose of serving a congregation of Mission Presbytery may forfeit his/her immigration status.

Commissioned Ruling Elders: Also known as Commissioned Lay Pastors, Commissioned Ruling Elders on Particular Pastoral Service should review G-2.10 with an understanding that they serve the presbytery under authority of the Committee on Ministry.

ENDNOTES

¹ Disaffiliate: Definition: To end an association. The Book of Order and other documents use terms like dismiss and disassociate. In preparing this document we sought a term that would carry what we hoped would be a more neutral meaning.

²Chapter 8: The term “Chapter 8 churches” comes from the reunion provisions regarding property and is really misunderstood. Many think that because they opted for chapter 8 exemption at reunion that the congregation “owns” the church property and can do with it what it pleases, including taking it with them if they elect to leave the PC(USA). Following is a page from the GA Constitutional Services Office.

Constitutional Musings: Note 13 Three Actions Taken at Reunion in 1983

In the last few months the Office of the General Assembly has been called upon to differentiate among three distinct, unrelated actions taken by the Presbyterian Church (U.S.A.)’s General Assembly at the time of reunion¹ in 1983 regarding church property:

1. The 195th General Assembly (1983) of the newly formed PC (USA) approved the trust clause at G-8.0201.² Virtually identical clauses existed in the *Book of Order* of the United Presbyterian Church in the United States of America (UPC)³ and the *Book of Church Order* of the Presbyterian Church in the United States (PCUS).⁴ These earlier clauses were a direct response to an invitation in 1979 by the United States Supreme Court.⁵ (But this was the second time the United States Supreme Court had studied our polity as it related to church property. In 1871 the Court noted an implied trust in connectionalism⁶ found in our *Form of Government*.)

2. The same assembly also adopted G-8.0701, which permitted former PCUS congregations to deal with their property as they had under the PCUS *Book of Church Order*. By the time of reunion in 1983, Chapter 6 of the PCUS *Book of Church Order* contained a trust clause⁷ that allowed PCUS congregations to encumber their property without the presbytery's permission. With reunion, such PCUS congregations had to vote within an 8-year window (ending in 1992) to continue to operate under Chapter 6 and the presbytery had to be informed of that decision and record it in its minutes. G-8.0701 preserves the right of those congregations that took the election to encumber real property without seeking the permission of the presbytery (this is the ONLY exception covered by G-8.0701.) UPC congregations never had such a right. The 1983 assembly also adopted Article 13 as part of the Articles of Agreement⁸, which provided former PCUS congregations a one-time window to leave the PC (USA) with their property. That window closed in 1992.⁹ There are NO "Article 13 churches" remaining in the PC (USA).

Endnotes to Constitutional Musings

1. Both the General Assemblies and a majority of the presbyteries of both predecessor denominations approved the Plan for Reunion in separate votes.
2. "All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)."
3. Form of Government, Chapter XLII, Sections 1-5 (72.00-.05)
4. Sections 1-5 (72.00-.05), section 6-3
5. Jones v. Wolf, 443 U.S. 595, 1979
6. Watson v. Jones, 80 U.S. (13 Wall.) 679 (1871)
7. PCUS, 1981, 90ff., 224ff., (became explicit part of *Book of Church Order* in 1982)
8. The Articles of Agreement provided "... the means by which the confessional documents, members, officers, judicatories, courts, agencies, institutions and property of those Churches shall be and become the confessional documents, members, officers, judicatories, courts, agencies, institutions and property of the Presbyterian Church (U.S.A.)." (From the Preamble to the Articles)
9. "13.4 Any petition for dismissal with property filed later than eight years from the consummation of union shall be handled under the appropriate provisions for such a request in the Form of Government.