

**Policy for the Presbytery of Wyoming Concerning Gracious Separation  
(Approved September 15, 2012)**

**Preamble to Policy Regarding Churches That May Be Disaffected**

With joy in the Lord Jesus, even with sorrow in the divisions within the body of Christ and policies in dealing with the congregations of the Presbytery of Wyoming that are so disaffected that they are considering leaving the membership of the Presbytery of Wyoming and the Presbyterian Church (U.S.A.)

We first acknowledge and affirm that Jesus Christ is head of the Church (F-1.02). Scripture teaches, and our polity has always recognized, that Jesus Christ is head of the Church, His body. “Almighty God, who raised Jesus Christ from the dead and set him above all rule and authority, has given to him all power in heaven and on earth, not only in this age but also in the age to come. God has put all things under the Lordship of Jesus Christ and has made Christ Head of the Church, which is his body. The Church’s life and mission are a joyful participation in Christ’s ongoing life and work.” (F-1.0201) The property of the Church is “a tool for the accomplishment of the mission of Jesus Christ in the world.” (G-4.0201)

“Christ calls and equips the Church, giving it everything necessary for its mission in the world. Christ alone rules, calls, teaches, and uses the Church as he wills.” (F-1.0202)

“Christ gives to the Church its faith and life, its unity and mission, its order and discipline. Scripture teaches us of Christ’s will for the Church, which is to be obeyed.” (F-1.0103)

With all Christians of the Church catholic, we affirm that the Church is “one, holy, catholic, and apostolic.” Unity is God’s gift to the Church in Jesus Christ. Just as God is one God and Jesus Christ is our one Savior, so the Church is one because it belongs to its one Lord, Jesus Christ. The Church seeks to include all people and is never content to enjoy the benefits of Christian community for itself alone. There is one Church, for there is one spirit, one hope, “one Lord, one faith, one baptism, one God and Father of all, who is above all and through all and in all.” (Eph 4:5-6)

“Because in Christ the Church is one, it strives to be one. . . . Division into different denominations obscures but does not destroy unity in Christ.” (F-1.0302a)

The church strives to be faithful to the good news it has received and accountable to the standards of the confessions. The Church seeks to present the claims of Jesus Christ, leading persons to repentance, acceptance of Christ alone as Savior and Lord, and new life as his disciples.

“Where Christ is, there is the true Church. Since the earliest days of the Reformation, Reformed Christians have marked the true church where the Word of God is truly

preached and heard, the sacraments are rightly administered, and ecclesiastical discipline is uprightly administered.” (F-1.0303).

In working with churches considering separation from the PCUSA, the Presbytery of Wyoming shall implement a process using the following principles:

- Consistency: The local authority delegated to presbyteries is guided and shaped by our shared faith, service, and witness to Jesus Christ.
- Pastoral Responsibility: The requirement in G-0303b to consult with the members of a church seeking dismissal highlights the presbytery’s pastoral responsibility which must not be submerged beneath other responsibilities.
- Accountability: For a council, accountability rightly dictates fiduciary and connectional concerns, raising general issues of property (G-4.02) and specific issues of schism within a congregation (G-4.0207). But, full accountability also requires preeminent concern with “caring for the flock.”
- Gracious Witness: Scripture and the Holy Spirit require a gracious witness from us rather than a harsh legalism.
- Openness and Transparency: Early, open communication and transparency about principles and process of dismissal necessarily serve truth, order, and goodness; and work against seeking civil litigation as a solution.

The *Book of Order* (G-4.0203) states “All property held by or for a congregation, 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, whether the property is used in programs of a congregation or of a higher council or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.)

The trust Clause is meant to reflect the church’s organic unity as it fulfills “The Great Ends of the Church,” strengthening its ability to guide its member churches into their witness to the broader community. Because the trust clause is meant as a means of witness to our unity in the covenant of common mission, it is incumbent upon the presbytery to act ministerially rather than adversarially to its member churches in regard to its provisions. It is also the right of a congregation to seek and to request dismissal with its property to another Reformed denomination.

We affirm these principles that will guide the presbytery’s use of the Trust Clause:

- It will not be used to shackle churches to the institution of the Presbyterian Church (U.S.A.) if a church genuinely desires to depart.
- It will not be used as a weapon to threaten civil action against a congregation over issues of conscience (F-3.0101).
- It reflects a tangible exhibition of the inter-connected relationship organically existing between the presbytery and its congregations.

## **Policy Regarding Churches That May Be Estranged**

From time to time in the life of a particular church, its members may disagree with each other on points of theology, policy, practice or procedure. These disagreements can lead to the development of a division within that congregation. In the same way, particular churches may disagree on points of theology, policy, practice or procedure with governing bodies within the denomination, which can also lead to division. These disagreements may be resolved by mediation and compromise or by dissolution of the relationship. While dissolution is the least desirable outcome, at times it is the only solution possible in order for the differing parties to move on. It is the desire of the Presbytery of Wyoming to craft guidelines for mediation or dissolution when conflict arises within or between congregations in this Presbytery. It is also the desire of this Presbytery that these guidelines provide an avenue of ministry for and to all the affected parties so that if we disagree we can do so in love.

### **1. Outline of Process for Engagement with Presbytery**

#### **a. Initial Contact and Dialogue**

When the leadership of the Presbytery becomes aware, either through formal session action or discussion, or through informal contacts with church leaders or members, that a congregation is in serious disagreement with the denomination to the extent of considering leaving the PC (USA), a committee will be formed, hereafter called the Presbytery Engagement Team (PET), consisting of ruling and teaching elders and shall include the General Presbyter, the Moderator of Presbytery, the Stated Clerk of the Presbytery, a member of the Committee on Ministry, and an at large representative appointed by presbytery council, in order to provide pastoral care and oversight to the disaffected congregation. Persons appointed to the PET shall remain as members of the PET until the PET has completed its task and is dismissed. In the event of any conflict of interest on the part of any of the above persons, presbytery council will appoint a replacement through a process and person agreed upon by both parties. If at all possible it would be desirable that one member of the PET have knowledge of mediation techniques. The PET will meet with the session and jointly, or subsequently, with the congregation as the church works to discern its mission in its location and God's will for denominational affiliation. This process is meant to insure that the congregation is fully informed of the issues at hand, and equipped with knowledge of the Presbytery's process, as well as the processes and values that have guided other churches and presbyteries in their decision making. In doing so, the Presbytery hopes to creatively engage the concerns of the congregation, and enable them to make decisions based on facts and not assumptions. The PET will regularly report to the Presbytery Council and to other Presbytery committees as needed.<sup>1</sup>

#### **b. Prayerful discussion of differences and determination of possibility of reconciliation**

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<sup>1</sup> Because of the infrequency of Presbytery meetings it is important that the PET keep the council and other committees apprised of progress or lack thereof in a timely manner.

The PET will attempt to “bridge the gap” with the congregation through discussion of possibilities for reconciliation and likely impacts on local mission and ministry in the case where dismissal is the course decided upon. The PET will outline the process and likely consequences of dismissal from the Presbytery, and will use the following principles to guide the PET’s dialogue with the church:

- To engage either the leaders of the congregation or the congregation as a whole, as circumstances dictate, in a time of prayer and conversation aimed at discerning the mission of the particular congregation, past, present and future, understanding the issues of the session/congregation which prompt them to desire that they and their congregation be dismissed, and also hearing from those congregation members who wish to remain within the PC (USA).
- If the team determines that progress can be made toward reconciliation through continued and constructive dialogue, the session and the team will establish a mutually agreeable timeline of talks to be held and proceed to engage in such dialogue.
- In its dialogue with the church session and congregation, the team will share implications for a church considering leaving the PC (USA). The PET will discuss with all teaching elder members the likely impacts on their benefits and ordination status and the various options available to them, so that they fully understand the implications of their transfer to another Reformed body, or staying as a member of Presbytery.
- When there is a group that desires to remain within the PC (USA) and a group that desires to be dismissed to another Reformed body, the best goal of Presbytery team conversations with congregations is to discuss financial, property and other issues that will enable members of both groups to be as healthy as possible in the aftermath of separation. If after a period of dialogue, the PET and the leadership of the congregation are not able to establish a process for reconciliation, the PET and the leaders of the congregation will begin the process of negotiating the terms of dismissal, and the validation of the true desire of the members of the congregation with regards to denominational affiliation.
- Acting on behalf of the Presbytery, the PET working with a disaffected church may be granted the following powers;
  - To counsel with the session and any subordinate boards or committees of the church concerning reported difficulties within the congregation, (G-3.0303e),
  - To interview the pastor(s) and employed staff,
  - To receive comments from individual members of the congregation,
  - To require the production of session minutes, church rolls, financial records and any other documents the commission deems relevant in conducting its work,
  - To call a meeting of the session when necessary (G-3.0203),
  - To call a congregational meeting and consult with the church’s membership about the congregation’s future, (G-1.0502),

- To provide the moderator and secretary for a congregational meeting, if the installed pastor is unable to moderate and/or to name another moderator, (G-1.0504),
- To determine if and when a vote of the congregation is appropriate for the purpose of advising the Presbytery concerning the relationship of the church to the PC(USA),
- To report the results of the congregational vote to Council and other appropriate bodies, and
- To propose to the Presbytery the recommendation for the dissolution or dismissal of the church and the disposition of the property held by or for the church.

## **2. Process for a congregation to request dismissal**

### **a. Negotiation of terms of dismissal**

The dismissal of a church from the Presbytery is a traumatic event in the life of the congregation and the Presbytery. The actions of the Presbytery are truly focused on the preservation and even the advancement of mission and ministry through the process of negotiation and after the congregation is dismissed. Actions to dismiss an ecclesiastical entity involve transferring ecclesiastical jurisdiction to another reformed denomination, and can only be effected by action of both bodies under a mutually acceptable plan of dismissal. All actions of the session, the Presbytery, and their individual members to dissolve a particular church shall be conducted according to the Constitution of the PC(USA) and the laws of the state of Wyoming. Ordinarily, the Presbytery should not dissolve a church as an ecclesiastical entity without dissolving its civil corporation as well. The PET will engage with a special committee of the congregation (SCC) to negotiate the terms of dismissal. The team may not enter into any binding agreement on behalf of the Presbytery. The Presbytery strongly recommends that the congregation's committee be comprised of a mixture of pastoral leadership and ruling elders, with representatives from the congregation's finance, property, and personnel committees, and should be selected with a goal of being representative of the congregation. If any members desire to remain with the PC(USA), every effort should be made to include their representative as well. The goal is to be respectful of all points of view and for the process to be minimally divisive. It is expected that once the process has reached this stage, the negotiations should progress relatively quickly and be able to be completed within 60 days.

### **b. Status of members of the congregation being dismissed**

Members of the church being dismissed shall be notified by mail after the vote by Presbytery to dismiss, of the action being taken, and the church shall inform those wishing to continue membership in a PC(USA) church of the process available to them to have their membership transferred. Each member desiring to be dismissed with the church must request such dismissal in writing to the Presbytery. The church being dismissed must provide to the PET a list of all active members, noting those who are not being transferred to the new body. This

list should be provided within 30 days of the vote by Presbytery to dismiss the congregation. It is important that throughout the process that both the PET and SCC communicate well so that both the members who transfer out of PC(USA) and the members who remain are properly ministered to, the level of divisiveness and conflict can be minimized, and that the ministry of both groups may continue. Members of the church being dismissed who are on Presbytery committees shall have their terms of service end on the day the Presbytery votes to dismiss the congregation. The Presbytery welcomes former elder commissioners' participation at Presbytery meetings as a way of continuing shared ministries and mission in the Presbytery, but such participation will be only as visitors without standing or voice.

#### **c. Status of Teaching Elder members of Presbytery**

One of the paramount concerns of this process of dismissal is to assure that the rights and status of teaching elder members are considered and properly handled. Teaching elders may choose to remain as members of Presbytery and not transfer to the other reformed body that the church is being dismissed to, or to request transfer along with the congregation. Such transfers may be requested concurrent with the church requesting dismissal, or may occur separately. If the teaching elder chooses to remain a member of presbytery and to pastor the congregation being dismissed, presbytery may approve this Call as a validated ministry. If the transfer is not requested concurrently, the teaching elders shall be placed on inactive status. This allows them to continue to seek calls within the PC(USA) during the period of inactive status, or request to become members at large if their call at the church ends. At the end of 3 years of inactive status, the COM will normally remove the member from the rolls of the Presbytery. Transfers to another reformed body shall normally be approved, unless the teaching elder member is the subject of a pending judicial or investigative action. Members under discipline of the Presbytery may not be transferred until the administrative process is complete and any required remedial actions completed. At that point the transfer may be completed, but a record of judicial or investigative actions, if any, must be transmitted to the other body prior to the transfer being requested so proper disclosure of any issues can occur.

#### **d. Policy for releasing claims to property**

If a church seeking dismissal has outstanding loans to the Synod or other PC(USA) body, before the actual transfer of title occurs, the loans must be repaid or transferred to another creditor as part of the loan being repaid. Since the church being dismissed will no longer be under the authority of PC(USA), the denominational body that holds the loan should not be placed in the position of being exposed to loss without having a position of oversight of the church, or having the Presbytery being able to act as a guarantor of the loan. [This repayment does not have to be made before the Presbytery acts on the request to dismiss, but must be made within 90 days of the Presbytery vote to dismiss. If the PET does not believe a viable plan for repayment exists, the PET shall recommend to the SCC that the process be put on hold before the congregational

vote until a viable plan to repay the loan is established.] Prior to the Presbytery vote on the dismissal, the SCC shall provide the PET details regarding to whom the church property shall be transferred, so that the appropriate legal documentation can be prepared. Such transfer should occur no later than 90 days of the vote taken by Presbytery to dismiss.

The use of any assets transferred to the Presbytery by dissolution or dismissal of a particular church should be prioritized as follows: (1) to empower those who wish to remain in the PC(USA) to continue as a congregation; (2) to develop and realize a strategy for mission in the subject church location, which may include new church development or redevelopment of the existing church; (3) to reimburse the Presbytery for any costs incurred in the defense of its rights and exercise of its responsibilities regarding the particular church; (4) to facilitate church development or redevelopment elsewhere in the Presbytery; and (5) to further the mission of the Presbytery and/or PC(USA).

**e. Validation of Congregation’s desire and discernment to request dismissal**

After the PET and the congregation’s SCC have met and negotiated the terms of dismissal, the next step in the process is to validate the congregation’s desire for dismissal, and to ascertain the congregation’s unity in that decision. A congregational meeting may be called, where a non-binding vote may be held to discern the will of the congregation. Every action should be taken to maximize the participation of the congregation in this meeting. It is also expected that representatives of the PET would have an opportunity to address the congregation and be able to discuss specific issues that would enable the congregation to make an informed decision based on the facts of the situation and to engage in prayerful discernment. If the results of the vote to request dismissal and to accept the terms of the negotiated agreement is 75% or greater of the active members of the congregation present at that meeting, the dismissal request is considered validated, and then will be placed on the docket of the next scheduled Presbytery meeting for a vote to accept the terms to dismiss and dissolve. If the vote is less than 75%, the PET, at its own discretion, may request presbytery council to take the request for dismissal to presbytery.

**f. Process for the Presbytery to vote to dismiss a congregation**

Once the congregation has voted to request dismissal from Presbytery and has accepted an agreement on terms of dismissal, the Presbytery will vote on accepting the terms of the negotiated agreement and the dismissal of the congregation to another reformed body, and dissolution of the pastoral relationship(s) if requested. To do this and maintain the trust and integrity of the process, it’s 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 of Presbytery would essentially invalidate months of work between the PET and the congregation, and destroy any trust built between the Presbytery and the congregation. Therefore, the following steps shall be taken by the Presbytery to avoid this outcome:

- The vote shall be scheduled at a regular meeting of Presbytery.

- Voting on the PET proposal will be preceded by a 2/3rds vote required to limit debate and amendments or tabling.
- The PET proposal will be presented as a whole, with the understanding that the agreement was arrived by good faith negotiations between both the PET and the congregation.

It should be assumed that after following through the steps of this process if the Presbytery votes down the proposal, the outcome would be the initiation of a process to force a separation. Our prayer above all, through the above process is to attempt to resolve differences reasonably and civilly in good faith. At this point the PET would be granted additional authority in conducting its work related to the congregation in question. That additional authority could include the authority:

- To retain legal counsel,
- To consult with appropriate committees of Presbytery or its representatives in the process of doing its work and preparing its recommendation, and
- To have a budget and to authorize expenditures from those funds up to the limit of that/those accounts to do its work.

### **3. Mitigation of financial impact on mission and ministry of the Presbytery**

Just as this process is designed to aid in Presbytery's ability to respectfully deal with a congregation's desire to be dismissed, and to have that happen in a way that minimizes the impact on that congregation's members, mission and ministry, it is also important for the congregation to act in a way as to minimize the impact on the mission and ministry of the Presbytery. Recognizing that the Presbytery's ability to sustain ministry is related to its financial health, it is hoped that the congregation that is being dismissed would want to minimize the financial impact of its departure on Presbytery, which comes in two forms: per capita giving and mission giving. The dismissal of the church shall not be conditioned on these payments being made, as they are intended to be voluntary contributions driven by a reciprocal concern for ministry. Nonetheless, it is encouraged that the congregation agree to a declining per capita contribution over the span of 4 (four) years so that the Presbytery can adequately adjust to a smaller base of per capita contributions. One suggestion is that the dismissed church's contribution decrease by 25% each year for years one through four following dismissal. A similar sort of declining contribution to the mission budget of the Presbytery is likewise encouraged. The congregation may want this contribution targeted at ministries that the congregation has previously supported. It may even be the case that the ministry integration is such that declining contributions would not be necessary and that the congregation may want to continue to support these ministries at the 100% level or more over a longer period of time. This is completely consistent with the goal of remaining in fellowship and continuing to serve together even after the dismissal is complete, just as many PC(USA) churches work closely with non-PC(USA) churches on mission today.

In the entirety of this process the first concern will be to do no harm to the proclamation of the Gospel or to the witness of any part of Christ's Church, and it is hoped that this

process will in effect further the Gospel of Jesus Christ. At all stages and in all places of the process care shall be taken to continue to seek possibilities for reconciliation and to assure that all persons are treated with care and respect by anyone representing the Presbytery of Wyoming or the Presbyterian Church (U.S.A.).