



46 a. Is God leading this particular congregation to seek dismissal from the Pres-  
47 byterian Church (U.S.A.) or toward renewed and restored fellowship with the  
48 Presbyterian Church (U.S.A.)? And,

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50 b. If God is leading this particular congregation to renewed and restored fellow-  
51 ship with the Presbyterian Church (U.S.A.), how can that be accomplished in a  
52 way that honors Jesus Christ and strengthens the congregation, Presbytery de  
53 Cristo and the denomination? Or,

54  
55 c. If God is leading this particular congregation to seek dismissal from the  
56 Presbyterian Church (U.S.A.), how can that be accomplished in a way that hon-  
57 ors Jesus Christ and provides a gospel witness to the broader unity of the  
58 Church of Jesus Christ?

59  
60 The presbytery asks that any session actively considering dismissal from the denomination  
61 covenant with the presbytery to enter into a defined process of mutual discernment through the  
62 formation of a discernment team from the presbytery and the concerned congregation  
63 (see "Discernment Procedure for Seeking Reconciliation"). Such discernment will require signifi-  
64 cant commitment of prayer, time and energy by all parties, but a matter of this magnitude de-  
65 serves such attention. The presbytery and the congregation will benefit from the process what-  
66 ever the specific outcome may be.

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69 DISCERNMENT PROCEDURE FOR SEEKING RECONCILIATION  
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71 In gratitude to Jesus Christ, Presbytery de Cristo and its congregations strive to be the people of  
72 God in this time and place. When a church seeks dismissal from Presbytery de Cristo and the  
73 Presbyterian Church (U.S.A.), a primary task will be to develop a plan that cares for and in-  
74 cludes the pastor(s) and all members of the congregation. We are all brothers and sisters in  
75 Christ and it is our intent that God's grace might be manifest throughout the following discern-  
76 ment process.

77  
78 This discernment process may be difficult for the local congregation and the presbytery. Paul  
79 said, "*Love does no harm to its neighbor*" (Romans 13:10b). We believe and trust that Christ's  
80 love will shape and soften our rough edges as we share our various understandings of God's  
81 truth. In the Church, we are bound to people with whom we do not always agree, but with  
82 whom we are united by the love of God revealed in Christ Jesus. Our responsibility is to live out  
83 that love with one another. We seek and expect of ourselves to have respectful conversations  
84 in the discernment process that will bear witness to our shared faith in Jesus Christ.

85  
86 A session wishing to initiate this discernment procedure shall put the matter to a vote. If three-  
87 quarters of the ruling elders in active service on the session vote to initiate the discernment pro-  
88 cedure, the clerk of session shall notify the stated clerk and the moderator of the presbytery's  
89 committee on ministry or its successor<sup>2</sup> of that desire. The session and the committee on minis-  
90 try shall then recruit members for a discernment team.

91  
92 If presbytery leaders should become aware that a congregation is in serious disagreement with  
93 the denomination prior to any such session action described in the previous paragraph, presby-

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<sup>2</sup>All subsequent references to the "committee on ministry" in this policy shall be understood to mean the "committee on ministry or its successor."

94 tery's committee on ministry shall offer visitation to the session and/or congregation, as may be  
95 most appropriate. The purpose of the visitation is to provide an opportunity for conversation be-  
96 tween the parties with the goal of maintaining peace, unity and healthy fellowship within the  
97 Presbyterian Church (U.S.A.). The session is not obliged to accept the offer of visitation and, if it  
98 decides to not accept the offer, the session's or congregation's privileges under this policy are  
99 neither compromised nor diminished.

100  
101 The discernment team shall be composed of eight members: four members from the requesting  
102 congregation and four members appointed by the moderator of the committee on ministry. The  
103 four members from the congregation shall be appointed by the session, with two members be-  
104 ing ruling elders in active service on the session and two members from the greater congrega-  
105 tion. The team members appointed by the moderator of the committee on ministry shall consist  
106 of two teaching elders and two ruling elders, of which two shall be in active service on the com-  
107 mittee on ministry and two from the greater presbytery.

108  
109 The discernment team shall select its own moderator from outside the discernment team itself,  
110 but this person may not be a member or teaching elder associated with the concerned congrega-  
111 tion nor a current member of the presbytery's committee on ministry or board of trustees.  
112 The moderator is not a voting member of the discernment team. The sole purpose of the mod-  
113 erator is to facilitate conversation within the discernment team and to ensure that each team  
114 member has an equal and adequate chance to participate.

115  
116 The moderator and moderator-elect of presbytery, the stated clerk, and the moderator of the  
117 requesting church shall be *ex officio* members, with voice but without vote, of the discernment  
118 team and may attend all meetings as available.

119  
120 The committee on ministry shall report to presbytery the decision and action to form a discern-  
121 ment team, "the purpose of which is to address the concerns of 'Congregation X' that is explor-  
122 ing dismissal from the Presbyterian Church (U.S.A.)" At this point in the process, the report shall  
123 not disclose to the presbytery the identity of the congregation seeking discernment.

124  
125 The discernment team shall covenant to meet together for as much time and as frequently as  
126 necessary in order to achieve consensus on a path forward. The discernment process should  
127 take no less than four months and may require as long as one year, but, with the concurrence of  
128 the committee on ministry, the discernment process may be shortened or lengthened to meet  
129 the needs of a current set of circumstances.

130  
131 The content of initial meetings of the discernment team shall include but not be limited to the  
132 subjects outlined below. At the discretion of the discernment team, members of the concerned  
133 congregation who are not serving on the discernment team may attend discernment team meet-  
134 ings in order to listen to the content of the discussion. The discernment team may elect to listen  
135 to feedback from any observing congregants. Topics and questions for discussion at initial dis-  
136 cernment team meetings shall include:

137  
138 Extended introductions by each discernment team member, sharing their faith  
139 stories and their understandings of the issues at stake in the difficulty between  
140 and among the congregation, presbytery and denomination.

141  
142 What are the reasons and major issues for the congregation's expressed desire  
143 to separate from the Presbyterian Church (U.S.A.)?  
144

145 What are the foundational theological issues underlying the request for dis-  
146 missal?

147  
148 How much common theological ground exists between and among the congrega-  
149 tion, presbytery and denomination?

150  
151 Are the theological differences confined to certain specific issues or do the differ-  
152 ences run deeper to Christological, ecclesiological or other foundational theologi-  
153 cal issues?

154  
155 In what ways does the Constitution of the Presbyterian Church (U.S.A.) assist in  
156 the discernment process and in the clarification of the reasons and issues sur-  
157 rounding the request for dismissal?

158  
159 What are the opportunities and avenues for reconciliation between and among  
160 the congregation, presbytery and denomination?

161  
162 In light of the foregoing topics of discussion, is reconciliation a realistic option be-  
163 tween and among the congregation, presbytery and denomination?

164  
165 These initial discussions are predicated on the understanding that, consistent with the polity of  
166 the Presbyterian Church (U.S.A.) and decisions of the General Assembly Permanent Judicial  
167 Commission, a congregation can be dismissed, with or without property, only to another Re-  
168 formed body recognized by the Presbyterian Church (U.S.A.) as a member of the World Com-  
169 munion of Reformed Churches. A congregation cannot be dismissed to independent status.

170  
171 Subsequent to these initial discussions, the discernment team shall make a written report and  
172 recommendation to the session and to the presbytery's committee on ministry regarding recon-  
173 ciliation.

174  
175 If the discernment team perceives that the congregation and the presbytery are still called by  
176 God to serve together in covenant relationship and recommends renewal and restoration of fel-  
177 lowship between and among the congregation, presbytery and denomination, and if confirmed  
178 by the committee on ministry, the discernment team shall continue to work together to craft a  
179 process to heal the broken relationship (see Appendix A). The committee on ministry shall re-  
180 port this decision to presbytery.

181  
182 If, however, after completing initial discussions, the discernment team perceives that God is no  
183 longer calling the congregation and presbytery to serve together in covenant relationship and  
184 recommends dismissal to another Reformed body, and if confirmed by the committee on minis-  
185 try, the discernment team shall continue to work together to implement the process for seeking  
186 dismissal as outlined in Appendix B. The committee on ministry shall at this point in the process  
187 report this decision to presbytery, with the report disclosing to the presbytery the identity of the  
188 congregation seeking dismissal.

189  
190 If a congregation or its leadership abandons these processes before completion, the committee  
191 on ministry will nominate, for election by the presbytery, a nine-member administrative commis-  
192 sion to resolve these matters with the congregation according to G-3.0109b, G-3.0301, G-  
193 3.0303 and G-4.02. The presbytery may wish to invest this administrative commission with the  
194 authority of original jurisdiction. If a congregation seeking dismissal or that congregation's lead-  
195 ership preemptively files suit in a civil court against the Presbytery, Presbytery de Cristo will an-

196 swer the suit.

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198 These policies and procedures shall take effect immediately upon approval by the presbytery.

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**APPENDIX A**

**Guidelines for Renewal and Restoration of Fellowship and  
Recommitment to Presbytery/Congregational/Denominational Relationship**

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In the hope that God leads those involved to seek a restored and renewed fellowship and a recommitment to the presbytery/congregational/denominational relationship, the following are presented as minimal guidelines for marking and sealing that recommitment:

1. Conduct a public service of worship and recommitment to shared fellowship and ministry, with participation from the presbytery and the congregation. Representatives of the Office of the General Assembly of the Presbyterian Church (U.S.A.) also shall be invited to participate in this service of worship and recommitment.
2. Share stories and testimonies from members of the discernment team and congregation at the congregational and presbytery level (and beyond, if appropriate).
3. In the hope of maintaining the bonds of love, peace and friendship, bless and commission (to the extent possible) any minority that leaves the congregation.

**APPENDIX B**

**Process for Seeking Dismissal to Another Reformed Body**

Upon completion of the process described in “Discernment Procedure for Seeking Reconciliation,” a session and congregation desiring to enter into the process of dismissal shall follow this procedure:

1. The session, together with the committee on ministry, shall provide notice of a gathering of the congregation to hear and discuss the session’s proposal that the congregation be dismissed to another denomination, with the name of the proposed receiving denomination explicitly stated. The proposed receiving denomination shall be another Reformed denomination recognized by the Presbyterian Church (U.S.A.) as a member of the World Communion of Reformed Churches. Advance notice for the gathering shall be by written letter to each “active member” (G-1.0402) of the congregation. The letter shall be mailed at least thirty days in advance of the gathering date. Public announcements shall be made at all worship services between the date of the notice and the congregational gathering. Reminders of the forthcoming congregational gathering may also be sent by Internet communication. Representatives of the presbytery (moderator and moderator-elect of presbytery, members of the discernment team, committee on ministry, and board of trustees and the stated clerk) also shall be invited to the gathering, with the right to address the body gathered. To the extent technologically feasible, contemporaneous and simultaneous aural communication shall be provided for individuals not able to be present.

2. The congregational gathering will provide an opportunity for the session to explain and answer questions regarding its proposal, which shall have been distributed to the active members in the notice of the gathering described in Paragraph 1 of this Appendix B. All members present or participating by alternative technology as well as the representatives of the greater presbytery shall have the right to speak. When the discussion is concluded, the gathering shall be closed and no further action shall be taken at that time.

3. Subsequent to the congregational gathering, the session and the committee on ministry shall together poll the active membership of the congregation by way of a mailed opinion survey, with the purpose of determining the opinions of the active members regarding the proposal of the session that the congregation be dismissed to another Reformed denomination. If less than 51 percent of the active members support the session’s proposal, further discussion of dismissal shall cease and the committee on ministry and the congregation shall renew efforts toward reconciliation.

4. If 51 percent or more of the active members support the session’s proposal to seek dismissal to another Reformed denomination, then the presbytery’s committee on ministry shall begin a process of prayerful and considerate negotiation with the session to determine the terms of dismissal. A thorough written record of these negotiations shall be maintained in the files of the presbytery. The parties shall during these negotiations be mindful of the interests of the Presbyterian Church (U.S.A.) as expressed in the property trust clause (G-4.0203):

*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, and 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*

349 *benefit of the Presbyterian Church (U.S.A.).*  
350

351 In addition, in negotiating the terms of dismissal, the parties shall be instructed by the decision  
352 of the Permanent Judicial Commission of the Presbyterian Church (U.S.A.) in Remedial Case  
353 221-04, Wilbert Tom, David Hawbecker, and Thomas Conrad, Appellants (Complainants) v.  
354 Presbytery of San Francisco, Appellee (Respondent) as well as by subsequent decisions of the  
355 Permanent Judicial Commission of the Presbyterian Church (U.S.A.) and Authoritative Interpre-  
356 tations and other decisions of the General Assembly. The negotiations shall also make specific  
357 provision for the continuing care by Presbytery de Cristo of any minority that does not want to  
358 depart from the Presbyterian Church (U.S.A.), with said provision including monetary and/or  
359 property considerations as may be necessary. Finally, negotiation of the terms of dismissal shall  
360 give consideration to the economic value of the property to the presbytery and the denomina-  
361 tion.<sup>3</sup> The determination of economic value may consider mitigating factors such as, but not lim-  
362 ited to, the financial health of the congregation, existing financial encumbrances on the property,  
363 proportion of active members favoring departure from the Presbyterian Church (U.S.A.), and  
364 any alternative plans by the presbytery for the property.  
365

366 5. The committee on ministry shall continuously consult with the board of trustees of Presby-  
367 tery de Cristo and the stated clerk regarding the negotiations. The terms of dismissal agreed  
368 upon in this negotiation process, subsequent to approval by the board of trustees of the Presby-  
369 tery de Cristo of any financial, monetary or property elements in the terms of dismissal, shall  
370 then be presented to the congregation for their consideration at a congregational meeting. The  
371 session, together with the committee on ministry, shall call a meeting of the congregation to  
372 hear, discuss and act on the terms of dismissal. Advance notice for the meeting shall be by writ-  
373 ten letter to each active member of the congregation. The letter, which shall state the terms of  
374 dismissal, shall be mailed at least thirty days in advance of the meeting date. Public announce-  
375 ments shall be made at all worship services between the date of the notice and the congrega-  
376 tional meeting. Reminders of the forthcoming congregational meeting may also be sent by In-  
377 ternet communication. Representatives of the presbytery (moderator and moderator-elect of  
378 presbytery, members of the discernment team, committee on ministry, and board of trustees  
379 and the stated clerk) also shall be invited to the meeting, with the right to address the body  
380 gathered. To the extent technologically feasible, contemporaneous and simultaneous aural  
381 communication shall be provided for individuals not able to be present. At the conclusion of dis-  
382 cussion, the active members of the congregation shall vote by paper ballot on the question of  
383 accepting the terms of dismissal. In order to be the effective decision of the congregation, the  
384 terms of dismissal shall be approved by 2/3rds of those voting, but in any case not less than 51  
385 percent of the active membership.  
386

387 In the event that the congregation's vote on the terms of dismissal does not attain the required  
388 level of affirmative votes, then two choices remain open to the congregation at this time.  
389

390 a. It may, through its authorized representatives, continue to negotiate with the  
391 committee on ministry to seek different terms for dismissal, and then offer those  
392 terms (subsequent to approval of the terms by the board of trustees of Presby-  
393 tery de Cristo) to the congregation for another vote (under the same terms and

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<sup>3</sup>Total value shall be calculated by averaging two current market appraisals of all land, buildings, fixtures and contents held by the congregation. Two independent appraisers shall conduct the two appraisals, with one appraiser being selected by the congregation and one appraiser being selected by the presbytery, but both appraisers shall be selected from a list of pre-qualified appraisers maintained by a major governmental entity such as The University of Arizona, the City of Tucson or Pima County. The congregation and the presbytery shall share the cost of the appraisals equally.

394 voting requirements as the previous meeting); or  
395

396 b. It may choose not to pursue dismissal further at this time, in which case it  
397 shall, by appropriate congregational meeting and vote, rescind its earlier action  
398 requesting dismissal. Should this all take place, the committee on ministry shall  
399 continue to work with the congregation with the goal of reducing dissatisfaction  
400 and enhancing the relationship between the presbytery, congregation and de-  
401 nomination.  
402

403 6. In order for the negotiation process (Paragraphs 4 and 5 of this Appendix B) to proceed in  
404 an orderly fashion, a congregation seeking dismissal will provide to the presbytery copies of  
405 session records (e.g., minutes and registers) and all executed documents concerning the con-  
406 gregation's incorporation and bylaws, real property and other assets, including, but not limited  
407 to, current deeds of trust, loan agreements, liens, property and casualty insurance, and state-  
408 ments of tangible and intangible assets. Representatives of the congregation and the presby-  
409 tery, in particular the presbytery's board of trustees, shall review these documents to determine  
410 if Presbytery de Cristo, Synod of the Southwest or any Presbyterian Church (U.S.A.) entity are  
411 named therein and/or are exposed to any liability claims which exist or may arise under these  
412 documents.  
413

414 7. If the motion requesting dismissal is approved by the active members of the congregation  
415 with at least the requisite majority, the terms of dismissal shall be presented to the presbytery  
416 for its approval at either a regular or specially called meeting. The terms of dismissal shall be  
417 debated and acted on according to a special rule of order such that no amendment of the terms  
418 shall be in order.  
419

420 8. Prior to finalization of the dismissal process, presbytery's board of trustees shall retain le-  
421 gal counsel to review the settlement agreement, prepare a quit claim by Presbytery de Cristo to  
422 the congregation for any real property being released, and prepare an indemnification by the  
423 congregation to Presbytery de Cristo against any and all future claims that may arise related to  
424 the property. All legal costs associated with this counsel shall equally be borne by the cong-  
425 gregation and the presbytery.  
426

427 9. Whether a congregation that is approved for dismissal may take its name with it is subject  
428 to the negotiation process described above in Paragraph 4 of this Appendix B, but in any case  
429 the name of the departing congregation shall not include reference to the Presbyterian Church  
430 (U.S.A.) or any of the variant forms of the denomination's name.  
431

432 10. In the event that any congregation is approved for dismissal under the terms of this policy,  
433 the presbytery and the congregation shall take all steps possible to provide for the pastoral care  
434 and congregational life of those members who do not wish to depart the Presbyterian Church  
435 (U.S.A.). Their protection and nurture shall be a matter of paramount concern to both the de-  
436 parting congregation and the presbytery.  
437

438 11. In the event that any congregation's request for dismissal is approved under the terms of  
439 this policy, the presbytery shall, in conjunction with the congregation, hold a final worship serv-  
440 ice of commissioning, to celebrate our common life in Jesus Christ and to pray for the effective-  
441 ness and well being of both the congregation and the presbytery. Those departing the Presby-  
442 terian Church (U.S.A.) will be commissioned by the presbytery to further their work for the king-  
443 dom as they go forward in ministry. Members of presbytery's committee on ministry and the  
444 session shall jointly plan the service, and all congregations of Presbytery de Cristo shall be in-

445 vited.

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447 12. A congregation being dismissed shall be required to pay off all loans outstanding to any en-  
448 tity of the Presbyterian Church (U.S.A.) or to have entered into a schedule of payments or other  
449 agreement to satisfy or discharge all such loans, with said schedule or agreement satisfactory to  
450 all parties. Matters of loans of the congregation held by non-Presbyterian entities are the re-  
451 sponsibility of the congregation, and the presbytery shall be legally relieved of any responsibility  
452 related to such loans.

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454 13. A congregation being dismissed shall be required to close out its financial and membership  
455 books as of the official date of dismissal, and to file all reports required by the presbytery for sta-  
456 tistical record-keeping.

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458 14. A congregation being dismissed shall be required to work with the Presbyterian Board of  
459 Pensions to affect a clean break as of the time of dismissal.

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461 15. A congregation being dismissed shall work closely and diligently with the presbytery to as-  
462 sist in the transfer of membership of members who do not desire to remain with the congrega-  
463 tion approved for dismissal.

464

465 16. There are some practical considerations to be addressed if a congregation is approved for  
466 dismissal. These include but are not limited to:

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468 a. The status of the pastor(s) currently called by the congregation: whether they shall  
469 remain with the congregation and transfer their ministerial status to the new denomina-  
470 tion, or whether they choose to remain within the Presbyterian Church (U.S.A.), and thus  
471 need to look forward to seeking a new call (see Appendix C).

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473 b. The status of any insurance policies held by the congregation with instrumentalities  
474 of the Presbyterian Church (U.S.A.) may need to be changed.

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476 c. The tax status of a congregation as a 501(c)(3) non-profit tax-exempt organization  
477 may need to be re-established under the new denomination to which the congregation is  
478 being dismissed.

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480 d. The corporate status of the congregation may need to be revised.

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**Appendix C**

**Status of Teaching Elders Associated with Congregations Being Dismissed**

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If a congregation is approved for dismissal from the presbytery and the Presbyterian Church (U.S.A.), a teaching elder serving the congregation may choose to continue serving the congregation or seek another call within the Presbyterian Church (U.S.A.). If a teaching elder requests transfer to the Reformed body to which the congregation is requesting dismissal, this transfer will normally be approved unless the teaching elder is the subject of a pending judicial or investigative action (D-10.0105). If the teaching elder chooses to stay within the Presbyterian Church (U.S.A.), the call to the congregation shall be dissolved at the time of the congregation's dismissal and the teaching elder shall be enrolled as an at-large member of presbytery, which will allow the teaching elder to continue to seek calls within the Presbyterian Church (U.S.A.). The teaching elder must make this choice at the time of the congregation's dismissal.