

## **Guidelines for Congregations Considering a Request for Withdrawal from the Presbytery of Eastern Virginia and the Presbyterian Church (USA)**

As Presbyterians, we affirm that Jesus Christ alone is Head of the Church (G-1.0100a) and that Jesus Christ has called the Church into being (G-1.0100b) to accomplish God's continuing mission in the world. We recognize that Jesus prayed for his disciples and prayed for their unity. In John 17:20-23, the words of Jesus are recorded, "*I ask not only on behalf of these, but also on behalf of those who will believe in me through their word, that they may all be one. As you, Father, are in me and I am in you, may they also be in us,<sup>f</sup> so that the world may believe that you have sent me. The glory that you have given me I have given them, so that they may be one, as we are one, I in them and you in me, that they may become completely one, so that the world may know that you have sent me and have loved them even as you have loved me.*"<sup>1</sup>

While fully recognizing Jesus' authority and expressing a firm desire for unity, we recognize the reality of human sin and the division that sometimes threatens to tear the Church apart. We acknowledge that despite ordained officers within the church who promise to seek to ". . . further the peace, purity and unity of the church" as part of their ordination vows, there are times of discord within the church when conflict occurs, reconciliation is difficult and it becomes almost impossible to walk in unity together. At such times, we are still called to love one another and honor Christ in how we treat one another.

This document is written in the hope and desire that it will never be needed. However, it is also written with the full knowledge that when such a document is needed, said document should lay out a clear, intentional and orderly process for the resolution of conflict. This is particularly true of conflict arising when congregations within the Presbyterian Church (USA) conclude that they can no longer, in good conscience, remain within the denomination's fellowship. This paper is prepared as a "court of last resort," recognizing that when all other means such as prayer, dialogue, listening and varied attempts at reconciliation fail, we must still handle division within the Church in a pastoral, disciplined manner that honors Jesus Christ and witnesses Good News to the world.

- 1) All individual members of a particular Presbyterian church are free to move their membership to another church. They may do this for reasons of conscience, convenience or because they no longer wish to be a part of the fellowship of that particular church or denomination. (G-10.0302b, 1-4)
- 2) A Presbyterian congregation may be dismissed only by the governing body of original jurisdiction (presbytery) and in consultation with the receiving denomination's highest governing body. (Book of Order G-15.0203a and b; G-11.0103i)
- 3) Congregations wishing to pursue dismissal to another denomination must observe the following steps:
  - i) The Moderator and Clerk of Session shall request in writing the church's desire to leave the PC (USA) with attendant rationale and the signatures of the supporting session members.
  - ii) The Session shall meet with the Committee on Ministry at the earliest possible time convenient to both bodies. (G-11.0501, a and G-11.0502 i & j)

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<sup>f</sup> Other ancient authorities read *be one in us*

<sup>1</sup> *The Holy Bible : New Revised Standard Version*. Nashville : Thomas Nelson Publishers, 1989, S. Jn 17:20-23

- iii) If it deems such action appropriate, the Committee on Ministry shall ask the presbytery to form and appoint an administrative commission to work with the Session of the church that has expressed a desire to be dismissed to another denomination.

Both the Presbytery (and the administrative commission) and the Session will strive to determine whether or not dismissal is the best outcome for the spiritual development of the congregation and its members, the strategic and long-term mission of the Presbytery, and the expansion of Christ's Kingdom.

In order to maintain a Presbyterian polity, rather than congregational polity, the Book of Order specifically limits the powers and purposes of a congregational meeting. Since requesting dismissal is not so enumerated as an acceptable purpose for a congregational meeting (G-7.0304), such a meeting is not part of the dismissal process. As such a meeting is not an option under our polity, and as gauging the opinions of the members of the congregation is essential to the consideration of dismissal, the Session and Presbytery (by means of an administrative commission) will collectively seek to determine the position of the membership on the issue by the means of a variety of hearings, interviews, and unofficial meetings as described in sections 5-8 of this document. (Added after hearing on 7/15/2009)

- iv) In the event that the Session of the church considering dismissal from the Presbyterian Church (USA) calls a congregational meeting for the purpose of considering actions leading to separation from the PC (USA), the Commission shall have the authority to dissolve the Session and assume the full powers and jurisdiction of the Session. The administrative commission is authorized to assume original jurisdiction over the session only if it finds that the session is unable or unwilling to manage wisely the affairs of the church charged to its care as required by (G-11.0103s and by following the procedures of G-9.0505b(1). The call of a congregational meeting for the purpose of voting whether to seek dismissal from the Presbyterian Church (USA) would be considered an inability to manage wisely the affairs of the church, since it is a violation of the Constitution of the Presbyterian Church (USA). The reason for this action is that G-7.0302 and G-7.0304 limit the business of congregational meetings and do not include the topic of seeking dismissal. In 2008, the 218<sup>th</sup> General Assembly adopted Item 04-20 (Minutes, 2008, p.48), which refers to G-7.0304 and states, "Withdrawal from the Presbyterian Church (U.S.A.) is not a matter that can be considered at a congregational meeting." In the event that the Session of a particular church has already called a congregational meeting for the purpose of voting on dismissal from the Presbyterian Church (U.S.A.), the power to dissolve the Session shall be effective immediately upon the appointment of an administrative commission. With the full authority of the Session, the Commission shall be empowered to:
- (i) Provide for the worship of the congregation and for the continuing pastoral care of all members of the congregation, after the manner of Christ.
  - (ii) Receive and act upon requests from members to be transferred or deleted from the rolls.
  - (iii) Determine and negotiate appropriate distribution of all property and assets of the congregation, with any final resolutions to be recommended to the Presbytery Council for approval before going to the floor of presbyter.

(This section was moved from its original location following the hearing of 7/15/2009)

- 4) The purpose of the Commission shall be to act on behalf of the Presbytery of Eastern Virginia in all matters regarding ministers, elders and members of the congregation considering withdrawal from the Presbyterian Church (USA) and to ensure care, compassion and pastoral concern for all parties engaged in this process, including staff members and pastors. (Underlined portion added 7/15/2009)
- 5) The administrative commission shall work with the session and congregation for a period of no less than six months and no more than one year, during which time it shall, before making any final decisions, afford all persons to be affected by the decisions fair notice and opportunity to be heard on all matters at issue. (cf. G-9.0505b-d). Fair notice shall consist of a short and plain statement of the matters at issue as defined by the commission and of the time and place for all hearings on such matters. The hearing shall include at least an opportunity for all persons having an interest in the matter to have their positions stated orally and recorded in open forum. The purpose of all listening sessions, consultations, hearings, etc. are for the benefit of informing the presbytery as it considers a request for dismissal. They are not meetings at which **any** business of the congregation may be transacted.
- 6) The obligation and mutual responsibility for dialogue was explicitly set forth by the 218<sup>th</sup> General Assembly when it adopted the Resolution for a Gracious and Pastoral Response (*Minutes*, 2008, Item 04-28, p.29). In this resolution, the General Assembly expressed its will that all governing bodies and persons dealing with members of a church seeking dismissal act in a consistent and pastoral manner, with accountability and due consideration for fiduciary and connectional concerns, with open and transparent communication in the context of gracious witness to one another. Presbyteries and congregations have a **reciprocal obligation** for this process (G-4.0302)
- 7) In the interest of mutual dialogue and furthering the peace, purity and unity of the church, there shall be no secret or secretive acts by sessions, pastors, congregations, the administrative commission or members of the presbytery. This would include bylaw changes, transfers of assets seeking to effectively negate the *Book of Order* or diminishing in any way a church's connection to the PC(USA); destruction or concealment of information, data or congregational records; or attempts to curtail communication with the congregation or presbytery as a prelude to dismissal.
- 8) If, after all consultations, hearings and listening sessions, it becomes obvious to the administrative commission that a strong majority of the active members of the congregation desire dismissal from the PC (USA) [75% or more], a request to dismiss the congregation shall go to the next stated meeting of the Presbytery of Eastern Virginia.
  - a) At the meeting of Presbytery to consider the congregation's request for dismissal, the Presbytery shall:
    - (1) hear from members of the congregation requesting dismissal
    - (2) hear from members of the congregation opposing dismissal
    - (3) hear from the PJC if any irregularity has been alleged and if so its findings and recommendations
    - (4) hear from the administrative commission appointed by the Presbytery of Eastern Virginia to work with the Session of the congregation seeking dismissal
    - (5) be informed of any financial contributions or obligations related to this congregation through its relationship with any governing body of the PC (USA)

hear whether the denomination to which this church wishes to be dismissed is in conformity with the Book of Order for a denomination to which the presbytery may dismiss a congregation and whether the Presbytery of Eastern Virginia has met all of its obligations in such dismissal. (Book of Order G-15.0201, a and b)

(6) be informed of how this congregation's dismissal would affect the mission and ministry of the Presbytery of Eastern Virginia.

(7) After discussion and prayer, the Presbytery of Eastern Virginia shall vote by secret written ballot on this question, "Shall the \_\_\_\_\_ Presbyterian Church be dismissed to \_\_\_\_\_ subject to meeting any financial obligations appropriate to this action?" Only three types of vote may be cast. They are "YES," "NO" and "ABSTAIN."

b) If the congregation's request for dismissal be sustained, the congregation may then petition the Presbytery of Eastern Virginia to receive the property formerly entrusted to its use and ministry by the presbytery. No debate or action shall take place on this petition at this presbytery meeting. Debate and action on such a request must be taken at the next stated meeting of presbytery. **If representatives of the dismissed body file suit in any secular court for the purpose of claiming the real property involved in the dismissal, the actions taken by the Presbytery regarding the dismissal shall become null and void. The administrative commission appointed by the Presbytery shall at that point take control of all existing real property identified with the dismissed congregation. (Book of Order G-8.0200)**

c) At its next stated meeting, the Presbytery will hear from a task force appointed by Presbytery's Council, Committee on Ministry, and the Executive Presbyter detailing 1) any financial arrangements negotiated with the congregation, 2) whether or not a viable continuing congregation loyal to the PC (USA) exists which may make use of the property and 3) what provisions have been made for the care of the loyalist membership. After discussion and prayer, the Presbytery shall vote by secret written ballot on the following: "Shall the \_\_\_\_\_ Presbyterian Church, as it is being dismissed to \_\_\_\_\_ be allowed to retain its former property with the following provisions:

(1) The following financial arrangements \_\_\_\_\_.

(2) The present name of the church may not be used in the future.

(3) Original copies of session minutes and other historical documents related to the church's life as a Presbyterian church (PC (USA) or its predecessors) will be turned over to the Presbytery for transmission to The Presbyterian Historical Foundation.

(4) If the congregation separates for any reason from the body or its legal successor to which it is being dismissed within a period of ten years from the date of this Presbytery meeting, \_\_\_\_\_, the property will revert to this Presbytery or its legal successor. Only three types of vote may be cast. They are "YES," "NO" and "ABSTAIN."

(5) Irrespective of the results of the vote, the Presbytery meeting shall be closed with a worship service of healing and reconciliation, affirming our unity in Christ, even in the face of conflict and schism, including the Celebration of the Lord's Supper.

9) Any congregation Session making financial contributions or pledges to the presbytery subsequent to the adoption of these procedures, guidelines, and standards agrees that it will fulfill its pledge to the Presbytery of Eastern Virginia for the remainder of that year.

**(Changes resulting from the hearing 7/15/2009)**

10) Recognizing that chapters 8, 11, and 15 of the Book of Order provide that a presbytery

may dismiss congregations from the PC(USA) and allow a congregation to take full ownership and possession of the property it has used, (i.e., the property **formerly** held in trust for the Presbytery of Eastern Virginia) (BOO G-8.0300; G-8.0400; G-8.0600; G-11.0103i; G-15.0203a; G-15.0203b), we affirm that it is our policy to take no punitive action to remove a pastor or session as a result of a decision to withdraw or seek dismissal to another **Reformed** denomination during any period of time from the date the presbytery is informed, by whatever means, of this intent until the congregation has made its decision. Such action may only be taken with regard to the session of a particular church if warranted under G-11.0103s and with regard to a Minister of Word and Sacrament if warranted as the result of the filing of a formal accusation and finding of due cause under the disciplinary rubric outlined under G-6.0701 and G-6.0702, D-10.0000 and D-11.0000. If any action is taken by any person, member or committee of or in the employment of the presbytery, we hereby covenant and agree to seek discipline of that person **in the courts of the PC(USA) according to the Rules of Discipline as found in the Book of Order.** (Changes resulting from the hearing held on 7/16/2009)

- 11) As a presbytery, we hereby affirm that nothing contained within these procedures, guidelines and standards shall abrogate the authority and responsibility of the Presbytery of Eastern Virginia under sections G-8.0401, G-8.0601, G-11.0103i, G-15.0203a, and G-15.0203b of the Book of Order. By these resolutions we affirm to the congregations of our presbytery that we seek to act in the Spirit of Christ to undertake our responsibilities pursuant to the Book of Order and seek to promote health, vitality and order within the Body of Christ.
- 12) The intent in any dispute within the life of the church is to achieve reconciliation. To that end, we wish to make clear our intention to continue to seek that goal. We also seek to assure any congregation seeking to separate from us of our continued prayers and good wishes for them .

#### THE ENUMERATED POWERS OF ANY ADMINISTRATIVE COMMISSION APPOINTED BY THE PRESBYTERY

The Presbytery of Eastern Virginia, by its action, shall delegate to any Commission formed for the purpose of overseeing possible dismissal of a congregation to another denomination **(underlined portions added following the hearing of 7/16/2009)** the following minimum powers, to take effect should it become evident that, all avenues of reconciliation having been explored and attempted, reconciliation is not likely.

- i) Access to all church records, including but not limited to: membership rolls, minutes of Session and all boards and committees of the church, financial records, membership directories, newsletters and material distributed for congregational information.
- ii) The authority to call a congregational meeting (G-7.0302.b and G-7.0303(2) by delegation of the presbyter) and to obtain current and accurate membership lists from the church for this purpose.
- iii) Authority to engage appropriate legal counsel when necessary.
- iv) Authority to take all necessary steps to discern the "true church" (G-8.0601), that is, those wishing to remain loyal to the Presbyterian Church (USA).

