

48 God's purpose. To seek God's will requires significant time and energy. We believe that a matter
49 of this magnitude deserves focused attention and prayer by the local congregation and
50 Presbytery, whatever the specific outcome may be. This discernment process will take no less
51 than six months and no more than one year.

52
53 The Presbytery will avoid litigation wherever and whenever possible. In fulfillment of
54 Resolution 04-28 adopted by the 218th General Assembly (2008), we recognize that the exercise
55 of the process to "divide, dismiss, or dissolve congregations in consultation with their members"
56 (*Book of Order*, G-3.0303b), if accomplished by litigation, "is deadly to the cause of Christ ...
57 and our witness to Christ in the world around us." Therefore, we will carefully follow the
58 principles of consistency, pastoral responsibility, accountability, gracious witness, openness, and
59 transparency.

60
61 "Can it be that there is no one among you wise enough to decide between one
62 believer and another, but a believer goes to court against a believer – and before
63 unbelievers at that? In fact, to have lawsuits at all with one another is already a
64 defeat for you." (1 Corinthians 6:5-7, NRSV)

65
66 According to the Trust Clause in the *Book of Order* (G-4.0203):

67
68 All property held by or for a congregation, a presbytery, a synod, the General
69 Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a
70 corporation, a trustee or trustees, or an unincorporated association, and whether
71 the property is used in programs of a congregation or of a higher council or
72 retained for the production of income, is held in trust nevertheless for the use and
73 benefit of the Presbyterian Church (U.S.A.).

74
75 The Trust Clause is intended to demonstrate the interconnected relationship existing between the
76 Presbyterian Church (U.S.A.) and its congregations, as well as unity in the covenant of common
77 mission. It also reflects our understanding of the church as a communion of saints across time,
78 with responsibilities both to those who came before and those who will follow. The Trust Clause
79 establishes that a congregation cannot sell, lease, or encumber property without the permission of
80 Presbytery, nor can it take property with it to another denomination unless the Presbytery
81 releases said property. As part of any discussion of the process of dismissal of a congregation to
82 another Reformed body, the historical and covenantal meanings of the Trust Clause shall be
83 seriously considered and weighed.

84
85 Bearing in mind the vision and guidelines of the Presbytery, the Presbytery commits that in its
86 application of the Trust Clause it will act graciously rather than adversarially. The same
87 commitment is expected of congregations exploring or seeking separation. Scripture calls us to
88 seek in all humility to resolve our disagreements and avoid the harm that is done to the Gospel
89 and Christ's body when Christians resort to civil litigation and public disputes over property.
90 Therefore, the Presbytery will not preemptively initiate civil litigation based on the Trust Clause.
91 Both the Presbytery and congregations do well to remember that the properties of which we are
92 stewards exist not for ourselves but for Jesus Christ.

93

94 “God placed all things under [Christ’s] feet and appointed him to be head over everything
 95 for the church.” (Ephesians 1:22, NIV)
 96

97 There are a number of factors that make some kind of a settlement appropriate to the process of
 98 dismissal. The following three issues deserve particular attention and address:
 99

- 100 • Congregations were founded by past saints who gave their time, talent and treasure to
 101 establish a church of the Presbyterian Church (U.S.A.) or one of its predecessor
 102 denominations. Often presbyteries, synods, or the General Assembly contributed the cost
 103 of land or other tangible support in a partnership to bring about Christian worship and
 104 practice in the Presbyterian tradition.
 105
- 106 • It is unlikely that 100% of the members of a congregation will vote for dismissal to
 107 another Reformed denomination. Among those who vote against dismissal will be
 108 persons whose ties to the Presbyterian Church (U.S.A.) are important to them for
 109 familial, educational, theological, emotional, or other reasons. It is important that those
 110 who find themselves displaced from their church home be considered and that their
 111 ongoing ties be honored.
 112
- 113 • Every congregation within a presbytery is part of a larger plan for mission and witness to
 114 a specific geographical region. Considerable resources and effort have gone into
 115 providing an accessible Presbyterian presence in the area entrusted to the presbytery’s
 116 care. When a hole in the network is created by the dismissal of a former Presbyterian
 117 Church (U.S.A.) congregation, a new mission strategy must be created, a strategy which
 118 might include a new church development or a reworking of the outreach of existing
 119 congregations.
 120

121 For these reasons and others, it is appropriate that a departing congregation make a contribution
 122 to the ongoing mission and work of the Presbytery.
 123

124 **DISCERNMENT PROCESS**

125
 126 A session wishing to initiate this discernment will put the matter to a vote. If a majority of at
 127 least two-thirds of the session membership as a whole votes to initiate the discernment process,
 128 the clerk of session will notify the Stated Clerk in writing. Within three days of receipt of this
 129 notice, the Stated Clerk will notify the Executive Presbyter and Moderator of the Presbytery,
 130 and will provide written acknowledgement to the clerk of session that the notice was received.
 131 The Presbytery Council will be notified at its next meeting.
 132

133 In consultation with the Executive Presbyter and Stated Clerk, the Moderator of the Presbytery
 134 will appoint three members of Presbytery to serve as an initial response team. Within one month
 135 of the request to initiate the discernment process, the response team will meet with the session
 136 to present the Gracious Separation Discernment Process. In the course of this meeting, the
 137 response team will meet with the ruling elders on session apart from the pastor(s) and also with
 138 each pastor apart from the elders. The purpose is to ensure that the request to explore gracious
 139 separation does not arise from misunderstanding, manipulation, or coercion, either from an
 140 elder or elders, or from the pastor(s).

141 The initial response team will complete its work within 60 days after it is formed and will report
142 its findings in writing to the Executive Presbyter, Stated Clerk, and Moderator of the
143 Presbytery, who will share this report with the Presbytery Council at its next meeting. The work
144 of the initial response team is not part of the discernment process or discernment time frame
145 described below.

146
147 If the initial response team concurs with the request to explore gracious dismissal, the session
148 and the Presbytery Council will form the discernment team. If the initial response team does not
149 concur with the request because of concerns about misunderstanding, coercion, or manipulation,
150 the Presbytery Council will refer this matter to the Committee on Ministry.

151
152 The discernment team will consist of four representatives from the congregation and four
153 representatives from the Presbytery. The session will choose the representatives from the
154 membership of the congregation; the Presbytery Council will choose representatives from the
155 Presbytery. In choosing team members the session and Council will “give full expression to the
156 rich diversity of the church’s membership” (G-3.0103). The session may appoint the pastor as
157 one of their four representatives on the discernment team but is not required to do so. When the
158 pastor is not appointed to the discernment team, the discernment team will have the authority to
159 communicate directly with the congregation. In such cases the discernment team will maintain
160 clear and ongoing communication with the pastor.

161
162 The discernment team will select co-moderators from its membership, one from the congregation
163 and one from the Presbytery. The co-moderators will be mutually chosen and agreed upon before
164 the first meeting of the team, and will facilitate the conversation so that each team member has
165 an equal chance to participate.

166
167 The discernment team will meet at least four times within a six-month period. The content of the
168 meetings is outlined below. Team members should plan to devote approximately two hours to
169 each meeting. It is vital that these meetings be opened with prayer.

170 171 First Meeting

172
173 During the first meeting, discernment team members will exchange extended
174 introductions, sharing a portion of their faith stories and their understanding of the
175 spiritual and theological issues at stake in the conflict between the congregation and
176 the Presbytery/denomination. The first meeting will primarily be a listening session.
177 The meeting will end with prayer for the discernment team, the congregation and
178 Presbytery, and the larger church.

179 180 Second Meeting

181
182 The second meeting will consist of a guided dialogue, facilitated by the co-
183 moderators of the discernment team, on foundational theological issues. Members
184 will be invited to share their personal understanding of various theological issues.
185 The purpose of this discussion is to determine how much common theological
186 ground exists between the congregation and the Presbytery/denomination. Are the
187 theological differences confined to certain issues (such as purity or sexuality) or do
188 the conflicts run deeper to Christological, ecclesiological, or other foundational
189 theological issues? The meeting will end with prayer for the discernment team, the

190 congregation and Presbytery, and the larger church.

191

192 Third Meeting – with Congregation

193

194 The third meeting will be held in a “town hall” format with the congregation.
 195 Members of the discernment team, from both the congregation and the Presbytery,
 196 will review the process to that point, report discoveries, and describe potential next
 197 steps. It is especially important for the discernment team to model the gracious tone
 198 inherent in the presbytery guidelines and in this document. Presbytery leaders, such
 199 as the Executive Presbyter or Moderator, or others designated by the Presbytery
 200 Council, will have the opportunity to express the faith convictions and vision of the
 201 Presbytery. Congregation members will have the opportunity to ask questions and
 202 make comments. The meeting will end with prayer for the discernment team, the
 203 congregation and Presbytery, and the larger church.

204

205 Fourth Meeting

206

207 The discernment team will review what it has learned through focused conversation,
 208 through receiving feedback from the congregation, and through prayer. The team
 209 will determine its recommendation. The meeting will end with prayer for the
 210 discernment team, the congregation and Presbytery, and the larger church.

211

212 Fifth and Additional Meetings

213

214 The discernment team may meet for a fifth or additional meetings as needed to
 215 accomplish its work, as long as these meetings are held within the assigned time
 216 period.

217

218 After determining its recommendation, the discernment team will report to the session and to the
 219 Presbytery Council its decision about the relationship between the congregation and the
 220 Presbytery.

221

222 • If the discernment team perceives that the congregation and the Presbytery are still called
 223 by God to work together in covenant relationship and recommends recommitment to
 224 fellowship between the congregation and the Presbytery, the discernment team will ask
 225 the session to confirm this recommendation and to commit to work together with the
 226 Presbytery to craft a process to heal the relationship (see Appendix A). It will be
 227 incumbent upon the Presbytery and the session to invest the resources necessary to
 228 achieve this reconciliation.

229

230 • If, after completing this process, the discernment team perceives that God is no longer
 231 calling the congregation and Presbytery to work together in covenant relationship and
 232 recommends dismissal to another Reformed body, the discernment team will ask the
 233 Presbytery Council to confirm its decision and to support the session as it enters into the
 234 process of seeking dismissal as outlined below in Appendix B.

235

236 In the event that the discernment team cannot arrive at a majority decision, the team will submit

237 reports from both perspectives to the Presbytery Council. The Presbytery Council will determine
 238 next steps.

239
 240 These policies and procedures will take effect immediately upon approval by the Presbytery.

241
 242 All councils of the Presbyterian Church (U.S.A.) are governed by the Constitution of the
 243 Presbyterian Church (U.S.A.) (G-1.0103). To the extent any conflict exists between any
 244 provision of this policy and the Constitution of the Presbyterian Church (U.S.A), the Constitution
 245 takes precedence.

246
 247 *NOTE: So long as a congregation is engaged in good faith in the discernment process herein*
 248 *and/or the process for seeking dismissal contained in Appendix B, the Presbytery will not*
 249 *preemptively initiate civil litigation based on the Trust Clause. Similarly, the Presbytery expects*
 250 *a congregation to pledge the same forbearance from initiating civil litigation during the*
 251 *discernment process and during the process for seeking dismissal contained in Appendix B. In*
 252 *the event a congregation initiates civil litigation against the Presbytery, the Presbytery will take*
 253 *all steps necessary to defend and enforce the Trust Clause and all other rights, defenses and*
 254 *remedies afforded under the Constitution of the Presbyterian Church (U.S.A.) and civil laws. If a*
 255 *congregation abandons these processes before completion, it is within the purview of the*
 256 *Presbytery to establish an administrative commission to work toward resolution of these matters*
 257 *with the congregation.*

258
 259
 260

261

262

APPENDIX A

263

Guidelines for Restoration of Fellowship

264

And Recommitment to the Presbytery-Congregational Relationship

265

266 The hope is for restoration of fellowship between the congregation and the Presbytery, and
 267 between opposing groups within a congregation that might emerge through the exploration
 268 process. Wounded feelings are likely to exist whether the vote is to remain or depart.

269

270
 271 The Presbytery and congregation are reminded that energy and resources will be needed to
 272 resolve the differences that remain. These differences must be addressed; any propensity to paper
 273 over them by moving too quickly to ritual and celebration must be avoided (see page 5, first
 274 bullet point). After appropriate work toward healing has been done, the following are presented
 275 as minimal guidelines for marking and sealing recommitment:

276

277
 278 1. The conducting of a public service of worship and recommitment to shared fellowship
 279 and ministry, with participation from Presbytery and congregation.

280

281 2. Sharing and testimony from members of the discernment team, representatives of the
 282 congregation, and representatives of the Presbytery, either as part of that service, or at an
 283 event preceding the service.

- 284 3. Extending significant care to the minority of members that might choose to leave the
 285 congregation: first, by the discernment team, the session and/or the congregation taking
 286 time to listen to them (whichever entity is appropriate to the situation); and then, as
 287 possible, blessing and commissioning them to further Christian fellowship and service in
 288 other settings. Every effort should be made to maintain the bonds of peace.
 289

290 **APPENDIX B**

291 **Process of Seeking Dismissal to Another Reformed Body**

293
 294 Upon completion of the discernment process described above, a session and congregation
 295 desiring to enter into the process of dismissal will follow this procedure:
 296

- 297 1. The Presbytery, acting through its Council, and the session will negotiate the terms of
 298 dismissal, including financial considerations and confirmation of the denomination into
 299 which the congregation will be dismissed. The Council and session will each designate
 300 representatives in equal number to form the negotiating team. The Council and session may
 301 choose, if mutually agreed upon, to have the discernment team conduct these negotiations.
 302 The negotiating team will commit to work as expeditiously as it can, bearing in mind that the
 303 complexity of issues before it will determine pace.
 304
- 305 2. Ordinarily, the congregation will contribute to the presbytery an amount equal to five years
 306 of its currently assigned per capita.¹
 307
- 308 3. A congregation being dismissed will be required to pay off any loans outstanding to any
 309 entity of the Presbyterian Church (USA). Matters of loans of the congregation held by non-
 310 Presbyterian entities are the responsibility of the congregation, and the Presbytery must be
 311 legally relieved of any responsibility related to such loans.
 312
- 313 4. A congregation being dismissed will be required to close out its financial and membership
 314 books as of the official date of dismissal, and to file all reports required by the Presbytery for
 315 statistical record-keeping.
 316
- 317 5. A congregation being dismissed that has an endowment will be required to work with the
 318 Presbytery to determine if the terms of any endowment bequest require that the principal be
 319 transferred to the Presbytery or any other entity of the Presbyterian Church (USA).
 320
- 321 6. A congregation being dismissed must remit any outstanding dues to the Presbyterian Board
 322 of Pensions and clarify with the Board of Pensions the status of any staff members who
 323 participate in the Board of Pensions (such as whether participation will continue, or the date
 324 participation ends, etc.).
 325

¹ Currently assigned per capita is based on congregational membership reported two years prior to the year of dismissal. A contribution of two years of currently assigned per capita helps the Presbytery honor its commitment to contribute per capita to the Synod and General Assembly. A contribution of three additional years of currently assigned per capita honors the historical relationship between the congregation and Presbytery, acknowledges the dislocation of those members who will not leave with the departing congregation, and assists the Presbytery in establishing a new mission plan in light of the absence of the departing congregation.

- 326 7. A congregation that is approved for dismissal may take its name with it.
327
- 328 8. Both the Presbytery Council and session must approve the terms of dismissal.
329
- 330 9. The session will then call for a meeting of the congregation, which will include the terms of
331 dismissal. Notice for the meeting will be mailed at least thirty days before the meeting date to
332 each member of the congregation, as well as given through Sunday worship announcements
333 between the date of the call and the actual congregational meeting. Representatives of the
334 Presbytery (members of the discernment team, the negotiating team, Presbytery Council, the
335 Executive Presbyter, and Stated Clerk) will also be invited to the meeting. A member of the
336 discernment team who represented the Presbytery will moderate the portion of the meeting in
337 which the proposed terms of dismissal are presented. The Presbytery Council will provide a
338 parliamentarian for this meeting.
339
- 340 10. A quorum for this congregational meeting will be fifty-one percent of the membership, as
341 determined by the annual report one year prior to the session's vote to request initiation of
342 the discernment process. The attendees will be recorded by name. A congregation may
343 petition the Council to lower the quorum for cause, such as large numbers of homebound
344 members, etc.
345
- 346 11. All members present, as well as the Presbytery representatives, will have the right to speak.
347 When the discussion is concluded, one vote will be taken by written ballot of the members of
348 the congregation present on the request to be dismissed with the negotiated terms. The
349 negotiated terms may not be amended as part of this vote. There must be a majority of at
350 least three-fourths (75%) of those present and voting to approve the request for dismissal
351 with the negotiated terms.
352
- 353 12. In the event that the vote for dismissal fails, the Presbytery Council will commit the
354 resources necessary to help the congregation recover unity in its mission and its relationship
355 to the Presbytery.
356
- 357 13. Upon approval by the congregation, the Presbytery will vote on the terms of dismissal, either
358 at its next regular meeting or at a meeting specially called for this purpose. If the Presbytery
359 does not confirm, the Presbytery Council will determine next steps.
360
- 361 14. When the congregation and Presbytery have approved dismissal, the Presbytery and the
362 congregation will take all reasonable steps to communicate with and provide for the pastoral
363 care and congregational life of those members who do not wish to depart the Presbyterian
364 Church (USA). Their protection and nurture will be a matter of paramount concern to both
365 the departing congregation and to the Presbytery.
366
- 367 15. After approval of dismissal, the Presbytery will, in conjunction with the congregation, hold a
368 final worship service of blessing, to celebrate common life in Jesus Christ and to pray for the
369 effectiveness and well-being of both the congregation and the Presbytery. Those departing
370 the Presbyterian Church (USA) will be commissioned by the Presbytery to further their work
371 for the kingdom as they go forward in ministry. The service will be jointly planned by
372 members of Presbytery's Council and the session, and all congregations of the Presbytery
373 will be invited.

374 16. When the Presbytery dismisses a congregation, one of the paramount concerns is to assure
 375 that the rights and status of teaching elders are considered and handled properly. If at any
 376 point in the discernment/dismissal process a pastor feels uncomfortable or compromised in
 377 the performance of his or her responsibilities, he or she should immediately contact
 378 presbytery leadership (such as the Executive Presbyter, the chair of the Committee on
 379 Ministry, etc.) for assistance.

380
 381 Teaching elders may request transfer to the Reformed body to which the congregation is
 382 being dismissed, or they may remain as members of Presbytery. Transfers may be requested
 383 concurrently with the congregation's request or they may occur separately. If transfer is not
 384 requested concurrently, the teaching elder will become a member-at-large if their call at the
 385 church ends, or may be granted permission to labor outside the jurisdiction of the Presbytery
 386 as pastor of the church which has been dismissed. The status of this ministry and said
 387 permission will be reviewed annually by the Committee on Ministry of the Presbytery.

388
 389 Transfers to another Reformed body will normally be approved unless the teaching elder is
 390 the subject of a pending judicial or investigative action (per D-10.0105). The reasons for not
 391 granting transfer may be communicated by Presbytery's Stated Clerk to appropriate persons.
 392 Teaching elders who have transferred to another Reformed body will always be welcome as
 393 visitors at meetings of Presbytery.

394
 395 17. When a congregation initiates the discernment process, the Presbytery will give special
 396 attention to members of the congregation who are preparing for ministry and under the care
 397 of the Presbytery. The Stated Clerk will notify each member under care, together with
 398 his/her liaison from the Committee on Preparation for Ministry (CPM) of this process. If the
 399 Presbytery dismisses the congregation, members under care will be given the option of being
 400 dismissed with the congregation or transferring their membership to another congregation
 401 within Presbytery and/or the Presbyterian Church (USA). If transfer to another congregation
 402 within Presbytery/the Presbyterian Church (USA) is requested, the Stated Clerk and CPM
 403 liaison will assist the member in obtaining a waiver of the usual six-month requirement for
 404 church membership in order to maintain care status.

405
 406 18. There are other practical considerations to be addressed when the Presbytery dismisses a
 407 congregation. Examples may include the following matters:
 408
 409 a. The congregation will examine whether its insurance policies refer to instrumentalities of
 410 the Presbyterian Church (U.S.A.) and will make any appropriate changes.
 411
 412 b. The congregation will examine its tax status as a 501(c)3 non-profit tax-exempt
 413 organization, and determine whether steps must be taken to re-establish its tax status
 414 upon dismissal from the Presbyterian Church (U.S.A.).
 415
 416 c. The congregation will examine its corporate status and if necessary, will remove
 417 references to the Presbyterian Church (U.S.A.).