

## 9. DISMISSING CONGREGATIONS TO OTHER REFORMED BODIES

*"I therefore, a prisoner in the Lord, beg you to lead a life worthy of the calling to which you have been called, with all humility and gentleness, with all patience, bearing with one another in love, making every effort to maintain the unity of the Spirit in the bond of peace."* Ephesians 4:1-3.

*"We believe in one holy catholic and apostolic Church."* Nicene Creed, Book of Confessions, 1.3.

*"1. All saints being united to Jesus Christ by their Head, by his Spirit and by faith, have fellowship with him in his graces, sufferings, death, resurrection, and glory: and being united to one another in love, they have communion in each others' gifts and graces, and are obliged to the performance of such duties, public and private, as to conduce to their mutual good, both in the inward and the outward man.*

*2. Saints by their profession are bound to maintain an holy fellowship and communion in the worship of God, and in performing such other spiritual services as tend to their mutual edification; as also relieving each other in outward things, according to their several abilities and necessities. Which communion, as God offereth opportunity, is to be extended unto all those who, in every place, call upon the name of the Lord Jesus.* Westminster Confession, BOC 6.146-6.147.

*"The institutions of the people of God vary as their mission requires in different times and places. The unity of the Church is compatible with a wide variety of forms, but it is hidden and distorted when variant forms are allowed to harden into sectarian divisions, exclusive denominations, and rival factions."* Confession of 1967, BOC 9.34.

*"The Church is to be a community of love, where sin is forgiven, reconciliation is accomplished, and the dividing walls of hostility are torn down"* (Book of Order, F-1.0301).

### I. COMMITMENTS OF THE PRESBYTERY OF ST. AUGUSTINE

#### A. Commitment to the unity of the Church

The Presbytery of St. Augustine is committed to being a visible witness to the unity of the Church.

In its life and in its dealings with its member congregations, the presbytery seeks always to hold high the faith that the unity of the Church resides not in our agreement with each other, but in the fact that the whole Church belongs to its one Lord, Jesus Christ. It is therefore possible, and at times even desirable, that we may differ from one another in matters of faith and practice while remaining one in Christ.

Nonetheless, the presbytery recognizes that as members of the Presbyterian Church (U.S.A.) struggle with matters of faith, they are sometimes polarized. Even in the context of such polarization, the Presbytery of St. Augustine remains firmly committed to unity, diversity, reconciliation, and the management of differences in a way that leads to harmony and co-operation. To break fellowship within the Church is always to wound the Body of Christ.

#### B. A commitment to the Constitution of the Presbyterian Church (U.S.A.)

The Presbytery of St. Augustine is committed to uphold the Constitution of the Presbyterian Church (U.S.A.) not in letter alone, but also in spirit.

When faced with the possibility of any kind of organized separation, the Presbytery of St. Augustine is obligated to maintain the integrity of Presbyterian ministry and governance as set forth in the Constitution of the Presbyterian Church (U.S.A.). The various congregations and governing bodies of the Presbyterian Church (U.S.A.) are organically connected as parts of one body. This connectionalism does not provide for the unilateral separation of one part of the body from the rest of the body.

Not only is the denomination a connectional church in the hierarchical sense: it is also connectional in a historic sense, linking past, present and future. The intentions of Presbyterians now dead must be honored in order to safeguard church life for Presbyterians not yet born. We must not make the assumption that the controversies that divide us in the present age will be the marks of permanent division for all time.

According to the Book of Order of the Presbyterian Church (U.S.A.):

*All property held by or for a particular church, a presbytery, a synod, the General Assembly, or the Presbyterian Church (U.S.A.), whether legal title is lodged in a corporation, a trustee or trustees, or an unincorporated association, and whether the property is used in programs of a particular church or of a more inclusive governing body or retained for the production of income, is held in trust nevertheless for the use and benefit of the Presbyterian Church (U.S.A.). (G-4.0203)*

This so-called "property trust clause" is meant to reflect the church's organic unity, in both hierarchical and historical senses. In our polity, the presbytery is charged "to coordinate the work of its member churches, guiding them and mobilizing their strength for the most effective witness to the broader community for which it has responsibility" and "to develop a strategy for the mission of the church in its area" (G-3.0303). This places on the presbytery a particular responsibility to see that decisions with regard to church property are made in ways that reflect the best interests of the whole presbytery, as well as those of the particular congregation, and for the future as well as for the present.

The Presbytery has the responsibility:

- To enforce the Constitution, and to exercise discipline and/or take original jurisdiction of Session in order to secure the Constitutional and orderly exercise of governance and ministry.
- To conduct any necessary administrative review to determine if actions of session (and/or trustees, and/or congregation) have conformed to the Constitution
- To protect the ecclesiastical and property interests of the presbytery
- To represent the historic investment of the PC(USA) in the congregation, recognizing that the church is past, present, and future
- To protect the interests and Constitutional rights of loyal PC(USA) members.

Only the presbytery has the power to dismiss a particular church to another Reformed body. The session and/or congregation may not act unilaterally to separate itself from the PC(USA). A congregational meeting for the purpose of voting to withdraw from the denomination is out of order, unless requested by the presbytery (G-1.0503, G-3.0301).

A presbytery is required to consult with the membership of a church to aid it in its discernment about whether or not to dismiss that congregation. Any congregational "votes" are advisory only and have no inherent civil or ecclesiastical force. The presbytery has the right and responsibility to see that any advisory votes are founded on full, fair, and accurate information.

The presbytery, in its sole discretion, may determine such terms and conditions of dismissal as may assure it of the faithful stewardship of the particular church and its property.

*C. A commitment to reconciliation and resolution through pastoral process*

The Presbytery of St. Augustine is committed to being an agent of pastoral care and reconciliation among its congregations and between congregations and the larger church.

The goal of this presbytery will always be reconciliation and continued engagement in relationship for all congregations within the presbytery without the threat of isolation, estrangement, or blame. The presbytery is to be a servant to the churches God has entrusted to us, encouraging and supporting them toward becoming healthy, growing congregations. This is especially true for those congregations for whom the bonds of unity are stretched and ecclesiastical connections frayed over issues of conscience to the point of considering disaffiliation.

Presbytery and session should work together in good faith towards reaching a mutually agreeable resolution. Working in good faith includes the following commitments:

- a. Both the presbytery and the congregation shall covenant to pray for each other, to bless the work each does for the gospel, and to seek diligently the will of God for the sake of the church's witness to Jesus Christ.
- b. The presbytery will not initiate ecclesiastical disciplinary action, or assume original jurisdiction of a session, so long as the teaching elders and session are conforming to the Constitution, are able and willing to manage the affairs of the church wisely and effectively, and in the judgment of the presbytery are working in good faith toward a mutually agreeable resolution with the presbytery.
- c. The congregation's teaching and ruling elders shall be open and honest in all their dealings with the presbytery.
- d. The congregation's teaching and ruling elders shall provide all requested information and documents to the response team or administrative commission on a timely basis.
- e. The congregation's teaching and ruling elders shall be willing to protect the rights of those members who desire that the congregation remain loyal to the PC(USA), or who desire to remain congregants of another PC(USA) church.
- f. The congregation's teaching and ruling elders shall refrain from any unauthorized unilateral changes in the way the congregational assets are held or managed.

## II. OUTLINE OF PROCESS OF ENGAGEMENT BETWEEN PRESBYTERY AND A CONGREGATION CONSIDERING DISMISSAL

### A. *Initial Contact and Dialogue*

When the leadership of the presbytery becomes aware by any means that a congregation harbors such disagreement with the denomination that it is considering leaving the PC (USA), representatives of the presbytery's Crisis Response Team (CRT) will offer to engage with the session and, as appropriate, with key members of the congregation as it tries to discern God's will for denominational affiliation. This engagement is meant to insure at minimum that the presbytery is fully informed about the nature of the congregation's concerns, and that the congregation is equipped with knowledge of this presbytery's process.

The desired outcome of this engagement will be to determine if resolution of the expressed concerns can be easily achieved so that the fellowship of the congregation with the presbytery remains intact.

### B. *Prayerful Determination of the Possibility of Reconciliation*

When the initial contact indicates that the concerns are deeper than may be quickly resolved, the CRT will participate with session, congregation, and individual members in discussions of possibilities for reconciliation and likely impacts if dismissal is the course decided upon. The CRT engagement with the session and congregation will have the following purposes:

1. 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 understanding the issues of the session/congregation that desire that their congregation be dismissed, and also to hear from those congregation members who wish to remain within the PC (USA).

2. To establish a mutually agreeable timeline of talks to be held and proceed to engage in such dialogue, if the team determines that progress can be made toward reconciliation through continued and constructive dialogue.

3. To share with session and congregation implications for a congregation considering leaving the PC (USA).

4. To share with all teaching elders called by or related to the congregation the likely impact on their benefits and ordination status, so that they fully understand the implications of their transfer to another Reformed body, or remaining members of presbytery.

5. To discuss financial, property and other issues, especially in those cases where there is a group that wishes to remain in the PC(USA) and a group wishing to be dismissed, so that both will be as healthy as possible in the aftermath of separation.

If after a period of dialogue, the CRT and the leadership of the congregation are not able to make progress toward reconciliation, and the session determines that it wishes to request dismissal to another Reformed body, the CRT will report this situation to the Stated Clerk and to the Moderator of the Committee on Ministry, so that they initiate the process for requesting dismissal.

## III. PROCESS FOR REQUESTING DISMISSAL

A congregation may only be dismissed to membership in another Reformed body "whose organization is conformed to the doctrines and order of this church" (*Anderson v. Synod of Florida*, PCUS 1973). This means that a congregation may not be dismissed to independency, or to a denomination that the presbytery determines to be significantly at variance with the theology and/or polity of the PC(USA).

### A. *Creation of Administrative Commission*

Upon receipt of a request for dismissal from a session, the presbytery shall establish an administrative commission upon recommendation of the Committee on Ministry or the Stated Clerk to address the request of a congregation to be dismissed to membership in another Reformed body.

In order to avoid unnecessary delays in the process, the Moderator and Stated Clerk of the presbytery, the moderator of Presbytery Council, and the President of the Board of Trustees shall compose a list of persons to be nominated as members of the Administrative Commission, which the presbytery may elect at its next stated meeting. The so-named members of the Commission may begin their work prior to their ratification, but any actions taken by them prior to their ratification as a commission may be reviewed and approved by the presbytery at its next stated meeting.

The following powers may be granted to an administrative commissions dealing with a congregation seeking dismissal to another Reformed body. Powers in section 1 may be granted to a commission prior to presbytery's decision to dismiss a congregation; powers in section 2 are pursuant to presbytery's decision to dismiss a congregation; powers in section 3 are general and consultative in nature and may be granted at any time as presbytery determines the situation to warrant.

1. Powers to be granted the administrative commission prior to presbytery's vote to dismiss a congregation:
  - a. to convene the session and any subsidiary boards or committees of the church.
  - b. to interview the pastor(s) and employed staff.
  - c. to call a congregational meeting and consult with the church's membership about the congregation's future.
  - d. to interview individual members of the congregation.
  - e. to require the production of session minutes, church rolls, financial records and any other documents the commission deems to be relevant in conducting its work.
  - f. to determine if and when a meeting of the congregation is appropriate for the purpose of advising the presbytery concerning the relationship of the congregation to the PC(USA).
  - g. to call that congregational meeting, and provide the moderator and clerk for that meeting;
  - h. to report results of congregational vote to the Stated Clerk of the presbytery and to other appropriate bodies;
  - i. to propose to the presbytery the recommendation for the dissolution or dismissal of the church, including recommendations concerning the disposition of the property held by or for the church, the status or transfer of any teaching elders related to the congregation seeking dismissal, and the transfer of members wishing to remain in the PC(USA) after the dismissal of the congregation.
  - j. to declare what persons, if any, compose a continuing congregation of the Presbyterian Church (U.S.A.) under the authority of the presbytery.
  
2. Powers to be granted to the administrative commission pursuant to presbytery's vote to dismiss a congregation:
  - k. to dissolve pastoral relationships [G-2.0901, G-3.0109b(5)];
  - l. to assume original jurisdiction in any case it determines the session is unable or unwilling to manage wisely the affairs of its church, providing the due process required in the Book of Order (G-3.0303e);
  - m. to assign members of the dissolved congregation to other congregations in the presbytery, pending action of those sessions to receive them (G-3.0301c);
  - n. to dissolve the congregational corporation and dispose of any remaining legal matters arising from the dissolution of the congregation;
  
3. Consultative powers to be granted an administrative commission in conducting its work:
  - o. to engage the services of and consult with presbytery staff, the stated clerks of presbytery, synod and/or General Assembly;
  - p. to retain legal counsel;
  - q. to secure and study minutes and records of the presbytery;
  - r. to consult with any appropriate committees of presbytery or its representatives in the process of doing its work and preparing its recommendations;
  - s. to have a budget and to authorize expenditures from those funds up to the limit of that/those accounts to do its work.

**B. *Transfer of Teaching Elders and Members***

1. Teaching Elders, Ruling Elders Commissioned to Pastoral Service, and Certified Educators: The status of teaching elders is governed by the relevant provisions of the Constitution (e.g., G-2.09; G-3.0306). The presbytery shall consult with each teaching elder, ruling elder commissioned to pastoral service, or Certified Christian Educator serving the congregation seeking dismissal and shall ascertain their willingness to remain within the Presbyterian Church (U.S.A.). If the presbytery determines that there is a continuing congregation of the PC(USA), it shall determine whether any of those teaching elders currently in installed or temporary pastoral relationships with the congregation wish to remain in their relationships, and it shall determine whether the continuing congregation can sustain those relationships. If the presbytery determines that there is not a continuing congregation of the PC(USA), all pastoral relationships (installed, temporary, commissioned) shall terminate on or before the dissolution or dismissal of a congregation. The plan for dissolution, dismissal, or continuation shall contain recommendations regarding terms of severance for teaching elders, ruling elders commissioned to pastoral service, Certified Christian Educators or other church professionals who desire to remain within the Presbyterian Church (U.S.A.).
2. Members of the congregation wishing to remain part of the PC(USA): The administrative commission shall contact each active member of the congregation seeking dismissal and ascertain whether they wish to be dismissed or remain in the PC(USA). If the presbytery determines that there is a continuing congregation of the PC(USA), those members who wish to remain part of that congregation shall be notified that their membership status remains intact. If the presbytery determines that there is not a continuing congregation, those members who wish to remain in the PC(USA) shall be transferred by the administrative commission to a presbytery roll until such time as they determine the PC(USA) congregation that each seeks to join.

**IV. PROCESS FOR PRESBYTERY VOTE ON REQUEST**

The presbytery must vote to dismiss a congregation to another Reformed body; this power may not be delegated to an administrative commission (*Strong and Bagby v. Synod of the Mid-South*, PCUS 1976, pp.92-96). The vote must be taken at a duly constituted meeting of the presbytery, either a stated meeting or one called expressly to hear and act upon a request for dismissal from a particular congregation.

At least two weeks prior to the meeting of the presbytery at which the request will be considered, the administrative commission shall publish its plan for dismissal to all minister members and elected commissioners.

The presbytery shall hear the report from the administrative commission, including its recommendation to dismiss the congregation under the terms of the proposed plan, and may hear other speakers as the commission wishes to present.

The floor shall be opened for debate, and the most recent edition of *Robert's Rules of Order, Newly Revised*, together with any rules adopted by the presbytery, shall govern the debate.

While the presbytery's right to amend the plan may not be abridged, the presbytery should be aware that alterations in the plan at this final stage run the risk of undermining or destroying months of work on the part of the CRT, the administrative commission, and the session, all of whom have participated in good faith negotiations. Amendments to the plan should only be proposed and adopted for reasons of vital importance.

The decision to dismiss a congregation shall be made by a majority of those commissioners present and voting.

The presbytery may grant to its administrative commission any additional powers needed to execute its decision (see section III.A.2 and 3 above)

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