

**PROCESS FOR PASTORAL RESPONSIBILITY, ACCOUNTABILITY AND GRACIOUS WITNESS TO
CONGREGATIONS AT TIMES OF DIVISION, DISMISSAL, OR DISSOLUTION**

PREAMBLE

The mission of Mission Presbytery is to serve God as a unique expression of the body of Christ in South Texas. With God's help we are Mission Presbytery building together healthy congregations and trusting relationships (Eph 2:22), partnering with one another in what we do better together (Phil 1:5), and sending disciples in witness and service (Matt 25:31-46 & Matt 28:18-20). This responsibility includes ministries of reconciliation when a congregation questions PC(USA) doctrine, policy or practice to the extent that disaffiliation from the denomination is being discussed or considered. Dismissal (disaffiliation) may only be to a Reformed denomination recognized by the PC(USA).

We recognize that we live in a time when our unity in Christ is being tested and our ability to work together in mission is being tried. We covenant that even in times of disagreement and conflict we will seek to uphold one another, build up one another, respect one another, and love one another, to the end that the mission of Christ be fulfilled. Together we seek to further the peace, unity, and purity of the church, minimizing confrontations while we seek to discern and follow the will of Christ.

The 218th General Assembly (2008) expressed its will that presbyteries and synods make available to lower governing bodies and local congregations a process that exercises the responsibility and power to “control the location of new congregations and of congregations desiring to move as well as to divide, dismiss, or dissolve congregations in consultation with their members” (*Book of Order*, G-3.0303b), with consistency, pastoral responsibility, accountability, gracious witness, openness, and transparency.” In response, this policy is hereby established by Mission Presbytery, in the fervent hope that its use shall never be necessary.

It shall be the policy of Mission Presbytery to treat decisions of a congregation considering or seeking disaffiliation as a matter for pastoral care. Our *Book of Order* reminds us that the civil power of the state should not be used to enforce the provisions of a religious constitution (F-3.0101b), and that our constitution sets forth the principle that our collective organization as worshipping community should not burden or infringe on existing property rights (Westminster Confession 6.148).

The Stated Clerk of the General Assembly has drawn the attention of the Church to the strong scriptural admonition (First Corinthians 6:1ff) against the use of civil lawsuits to settle issues of dispute between believers, cautioning congregations and governing bodies alike to avoid civil cases. Accordingly, Mission Presbytery, by the means of this policy statement, covenants with its congregations that it shall not initiate civil lawsuits against congregations, their pastors and officers or members, where a congregation has pursued disaffiliation in accordance with *The Book of Order* and this policy statement, except for the purpose of collecting any outstanding legal financial indebtedness (any existing loan) of the congregation that has been made by the Presbytery, Synod, or General Assembly.

It is the will of this presbytery to create both a spirit and process of graciousness, in which the will of God is sought, with reconciliation as a goal, and in a manner of graciousness and forbearance befitting those who claim Jesus as Lord. With believers in every time and place, we rejoice that nothing in life or death can separate us from the love of God in Christ Jesus our Lord (Romans 8:38-39 – paraphrased).

Mission Presbytery asks that any session seeking or considering disaffiliation from the PC (USA) will covenant with Mission Presbytery to enter into a defined process of mutual discernment to determine God's purpose. To seek God's will requires significant time and energy. We believe that a matter of this magnitude deserves focused attention and prayer by the presbytery and the particular congregation whatever the specific outcome may be. This process should take no less than four months.

In all matters relating to this subject, the following question will be deemed paramount: How is God leading this congregation and the presbytery to walk together into a future that honors Jesus Christ and strengthens both the congregation and the presbytery?

This policy is designed to allow a congregation and the presbytery to walk through the entire process without needing the involvement of an administrative commission or the civil court system.

PROCESS

Listening Team: When a session begins seeking or considering disaffiliation from the (PCUSA) the moderator and/or clerk of session will advise the stated clerk of presbytery and request a listening team. When the Committee on Ministry becomes aware that there is conversation in the session or congregation about leaving the denomination, visitation will be offered to the session of a listening team appointed by the chair of council, the moderator of Committee on Ministry (COM), and the stated clerk. This team will meet with the session to understand its concerns, to respond to them as appropriate, and to review the provisions of the *Book of Order* and this document with regard to disaffiliation. In this way, the presbytery will be given opportunity to exercise its pastoral responsibility for the welfare of congregations and to promote open communication.

Resolution Team: If the concerns of the congregation cannot be resolved by the listening team and the session indicates that the church wishes to pursue disaffiliation, the listening team (with any change deemed appropriate by the chair of council, the moderator of COM, and the stated clerk) becomes the resolution team. This resolution team will engage in a period of no less than three months of consultation including meetings with the session and meetings with the congregation. The purpose of these meetings will be to review the provisions of the *Book of Order* and this document with regard to disaffiliation and to answer questions from members of the congregation regarding options for disaffiliation of the congregation, and for the membership of those members who wish to remain in the Presbyterian Church (USA). In this way the session will provide the presbytery opportunity to exercise its responsibility as a partner with the session in pastoral care to members of the congregation in what may be a difficult time in its life. At

these meetings every good faith effort will be made to effect reconciliation in accordance with the *Book of Order*. The resolution team will report its findings to the session and COM.

It is the expectation of Mission Presbytery that members of the resolution team, as well as members and officers of the congregation, shall work together in mutual trust, that they shall be open and honest with each other in all dealings, that they shall provide to each other all relevant and useful information and documents, and that the congregation's officers and pastor(s) shall refrain from any unauthorized, unilateral, changes in the way that their congregational property and assets are held or managed.

It is also the expectation of Mission Presbytery that at all times the rights and privileges of those members of the congregation who are in the minority with respect to views held about disaffiliation or related matters shall be affirmed and protected.

Teaching elders and ruling elders serving congregations requesting disaffiliation shall act in accordance with their ordination vows and the *Book of Order*. The presbytery will not seek removal of church officers solely because they are advocating for disaffiliation for their congregation.

Calling of a Congregational Meeting: If the resolution team, in consultation with the session, determines that there is a sufficient desire to petition presbytery for disaffiliation, the report to COM will include a request for permission to conduct a meeting of the congregation called and conducted by the presbytery so that the congregation can indicate by vote whether to request disaffiliation. Members of the resolution team will be invited to be present to offer pastoral care and prayer for the congregation and its members following the vote and to carry out the presbytery's responsibility to ensure that all those persons affected by disaffiliation have an opportunity to be heard on the subject.

The Congregational Meeting: The time, place, and purpose of the meeting shall be communicated to the congregation through a letter mailed to all members with 30 days' notice. It shall also be communicated through the normal channels of church communication (bulletins, worship announcements, newsletters, website, etc.)

The congregational vote to request disaffiliation shall be by secret ballot. The vote of a congregation is an advisory vote to the presbytery; therefore it is a request to the presbytery to be dismissed to a particular Reformed body. The quorum for such a meeting ordinarily shall be 35% of the members on the active roll. If the congregation votes to request disaffiliation by a vote of at least 80% of the congregation's members present and voting, and its leaders are willing to work in good faith toward a mutually-agreeable resolution, the resolution team shall work to facilitate an agreement regarding distribution of property between the group of members who wish to be disaffiliated and the group of members who wish to remain in the PC(USA). In advance of these negotiations, the presbytery trustees and presbytery council should make known to the resolution team expectations they have for the agreement. When disaffiliating a church with all or a portion of the property, a presbytery is required to give proper consideration to the constitutional provision that all property is held in trust for the benefit of the PC(USA). (See G-4

.0203) The clerk of session and pastor(s) of the departing church will assist the presbytery to make contact with members who wish to remain in a congregation of the PC(USA).

Disaffiliation is a major step in the life of a congregation and must not be entered into lightly. If the congregational vote does not attain the required 80% the resolution team will continue to work with the leadership of the congregation to support those members who desire to disaffiliate with the PC(USA) and to seek the peace and unity of the particular church. (See G-4.0207)

All parties are encouraged to demonstrate charity and forbearance during this process. A place shall be identified in advance for those in the minority to meet for prayer and support following the congregational vote.

If any member, present and voting, contests the regularity and constitutionality of the meeting, he or she may send the details of the allegation to the stated clerk of Mission Presbytery, who shall convene the Permanent Judicial Commission to render a decision within the timeframes and requirements set by the Book of Order (D-6.0202).

The Presbytery Meeting: Once the congregation has voted to request disaffiliation from the PC (USA) and the resolution team has negotiated terms for disaffiliation with the session, the presbytery will vote on accepting the terms of the negotiated agreement and the dismissal of the congregation. (G-3.0303b) To do this and maintain the trust and integrity of the process it is essential that the motion be a “thumbs up or thumbs down” vote. Renegotiation of the terms of disaffiliation through the use of amendments on the floor would essentially invalidate months of work between the resolution team and the congregation, and may damage the trust built between the presbytery and the congregation.

If there is a request from members loyal to the PC(USA) to remain in the denomination and in possession of the property, and the resolution team determines that a congregation intends to disaffiliate from the PC(USA) and its leaders are not willing to work in good faith toward a mutually-agreeable resolution, it shall recommend the formation of an administrative commission empowered to take all appropriate and necessary action in the presbytery’s stewardship of the congregation and the property. No final action of dissolution, disaffiliation, division through schism, or discipline shall be taken until the presbytery in a full meeting shall approve such final action.

Should the congregation or its leadership refuse visits and discussion with the listening team and/or the resolution team, the council shall immediately recommend to the presbytery the formation of an administrative commission with authority to act for the presbytery in matters delegated to the administrative commission.

Congregational Vote for Negotiated Agreement: Following the presbytery’s approval of the negotiated agreement and disaffiliation of the congregation to another Reformed denomination, the congregation shall vote to approve the agreement. The congregational vote to approve the agreement shall be by secret ballot. The quorum for such a meeting ordinarily shall be 35% of the members on the active roll.

If the congregation votes to approve the agreement by a vote of at least 80% of the congregation's members present and voting, the agreement shall be considered ratified.

If the vote for the terms of disaffiliation, as worked out by the presbytery and the session, does not attain the required level of affirmative votes, the presbytery shall continue to work with the congregation with the goal of reducing dissatisfaction and enhancing the relationship between the presbytery and the congregation.

Dismissal to Independent or Non-Denominational Status: Mission Presbytery does not dismiss a church to an independent status. The proper procedure is to dissolve the church. This would allow the presbytery to sell the property to the congregation for fair market value or for the congregation to arrange to lease the property from the presbytery for a fair rental fee or other use of the property that aids the presbytery in its strategic mission of ministry in the name of Jesus Christ.

Administrative Commissions: An administrative commission could be formed if necessary at any time.